E/1996/22
E/C.12/1995/18

# COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

## REPORT ON THE TWELFTH AND THIRTEENTH SESSIONS

(1-19 May 1995, 20 November-8 December 1995)

ECONOMIC AND SOCIAL COUNCIL

OFFICIAL RECORDS, 1996

## SUPPLEMENT No. 2

UNITED NATIONS

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**New York and Geneva, 1996**

## NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

E/1996/22
E/C.12/1995/18

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## ABBREVIATIONS

| | |
|---|---|
| AIDS | Acquired immune deficiency syndrome |
| ECLAC | Economic Commission for Latin America and the Caribbean |
| FAO | Food and Agricultural Organization of the United Nations |
| GDP | Gross domestic product |
| HIV | Human immunodeficiency virus |
| ILO | International Labour Organisation |
| IMF | International Monetary Fund |
| OECD | Organisation for Economic Cooperation and Development |
| PAHO | Pan American Health Organization |
| UNDP | United Nations Development Programme |
| UNESCO | United Nations Educational, Scientific and Cultural Organization |
| UNFPA | United Nations Population Fund |
| UNHCR | Office of the United Nations High Commissioner for Refugees |
| UNICEF | United Nations Children's Fund |
| WHO | World Health Organization |
| World Bank | International Bank for Reconstruction and Development |

## Chapter I

## DRAFT RESOLUTION AND DECISIONS RECOMMENDED FOR ADOPTION BY THE ECONOMIC AND SOCIAL COUNCIL [1]

### Twelfth session

### DRAFT RESOLUTION

### Annual sessions of the Committee on Economic, Social and Cultural Rights

The Economic and Social Council,

Recalling its resolution 1985/17 of 28 May 1985, by which it established the Committee on Economic, Social and Cultural Rights to assist it in relation to the various functions entrusted to it under the International Covenant on Economic, Social and Cultural Rights,

Recalling also that, in its resolution 1985/17, it decided to review the composition, organization and administrative arrangements of the Committee every five years, beginning in 1990,

Noting that, since its first session in 1987, the Committee has held twelve sessions, examined one hundred and three reports of States parties and adopted five very detailed general comments,

Recognizing that the Committee has succeeded in developing constructive and effective methods of work, including in relation to its dialogue with States parties,

Recalling the emphasis contained in the Programme of Action of the World Summit for Social Development on the important role of the Committee in monitoring those aspects of the Copenhagen Declaration on Social Development and Programme of Action that relate to compliance by States parties with the Covenant,

Noting that the number of States parties to the Covenant has increased by more than 50 per cent since the Council resolved to establish the Committee and that there are now 131 States parties,

Noting also that the Committee has consistently needed to hold two annual sessions in recent years in order to cope with its workload and that it continues to be faced with a backlog of reports to be considered,

1. Authorizes the holding of two annual sessions by the Committee on Economic, Social and Cultural Rights, in May and November-December, each of three weeks' duration, in addition to a pre-sessional working group of five members to meet for five days immediately after each session to prepare the list of issues for consideration at the subsequent session;

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[1] Resolution 1995/39 and decisions 1995/302 and 1995/303 adopted by the Economic and Social Council at its substantive session of 1995.

2. Requests the Committee to give careful consideration to the possible means by which it might contribute to the implementation of the Copenhagen Declaration on Social Development and Programme of Action of the World Summit for Social Development, having particular regard to the commitments contained in the latter concerning the adoption of national strategies for social development and the definition of time-bound goals and targets for reducing overall poverty.

## DRAFT DECISION I

### Payment of honoraria to members of the Committee on Economic, Social and Cultural Rights

The Economic and Social Council, noting that members of the Human Rights Committee, as well as of the Committee on the Elimination of Racial Discrimination and the Committee on the Rights of the Child, all receive a modest honorarium for their services, and that as a result of measures approved by the General Assembly members of two of the remaining three human rights treaty bodies will also do so, and recognizing that it is inequitable for the one remaining Committee to be treated differently in this respect, urges the General Assembly to authorize payment to each member of the Committee on Economic, Social and Cultural Rights of an honorarium equivalent to that payable to the members of other relevant treaty bodies.

## DRAFT DECISION II

### Resources to enable the Committee on Economic, Social and Cultural Rights to obtain access to specialized expertise in its work

The Economic and Social Council endorses the proposal made by the Committee on Economic, Social and Cultural Rights that an amount of 10,000 dollars annually be included within the overall budget of the Centre for Human Rights, to enable the Committee to bring in specialists to participate in its days of general discussion and to commission papers dealing with those technical dimensions of its work, especially relating to indicators, which require expert elaboration. The Council notes that this accords with the recommendation of the World Conference on Human Rights in relation to indicators and that the relevant funds would not be spent on members of the Committee and would be committed only with the approval of the head of the Centre for Human Rights.

## Chapter II

## ORGANIZATIONAL AND OTHER MATTERS

### A. States parties to the Covenant

1. As at 8 December 1995, the closing date of the thirteenth session of the Committee on Economic, Social and Cultural Rights, 133 States had ratified or acceded to the International Covenant on Economic, Social and Cultural Rights, which was adopted by the General Assembly in resolution 2200 A (XXI) of 16 December 1966 and opened for signature and ratification in New York on 19 December 1966. The Covenant entered into force on 3 January 1976 in accordance with the provisions of its article 27. A list of States parties to the Covenant is contained in annex I to the present report.

### B. Sessions and agenda

2. The Committee on Economic, Social and Cultural Rights, at its eleventh session, requested the Economic and Social Council to authorize, on an exceptional basis, the holding of an additional session of the Committee in the second half of 1995. 2/ The Economic and Social Council, by its decision 1995/217 of 10 February 1995, endorsed the Committee's recommendation. Accordingly, in 1995, the Committee held its twelfth session from 1 to 19 May and its thirteenth session from 20 November to 8 December. Both sessions were held at the United Nations Office at Geneva. The agenda for each session is shown in annex III to the present report.

3. An account of the Committee's deliberations at its twelfth and thirteenth sessions is contained in the relevant summary records (E/C.C.12/1995/SR.1-29 and E/C.12/1995/SR.30-58/Add.1, respectively).

### C. Membership and attendance

4. All members of the Committee, except Mr. Valeri Kouznetsov, attended the twelfth session. Mr. Kenneth Osborne Rattray attended only part of the session. All members of the Committee, except Mr. Philip Alston, attended the thirteenth session. Mr. Kenneth Osborne Rattray and Mr. Javier Wimer Zambrano attended only part of the session.

5. The following specialized agencies and United Nations organs were represented by observers at the twelfth session: ILO, UNESCO, WHO, UNHCR, UNICEF, UNDP and IMF; and at the thirteenth session: ILO.

6. The following non-governmental organizations in consultative status with the Economic and Social Council were represented by observers at the twelfth session:

| | |
|---|---|
| Category II: | Habitat International Coalition, International Service for Human Rights, American Association of Jurists |
| Roster: | Foodfirst Information and Action Network (FIAN) |

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2/ E/1995/22, chap. I, draft decision I (Extraordinary additional session for the Committee on Economic, Social and Cultural Rights).

and at the thirteenth session:

| | |
|---|---|
| Category I: | World Federation of United Nations Associations |
| Category II: | Habitat International Coalition, International Service for Human Rights, Women's International League for Peace and Freedom, American Association of Jurists, Andean Commission of Jurists |
| Roster: | Foodfirst Information and Action Network (FIAN). |

## D. Pre-sessional working group

7. The Economic and Social Council, in its resolution 1988/4 of 24 May 1988, authorized the establishment of a pre-sessional working group composed of five members to be appointed by the Chairman to meet for up to one week prior to each session. By decision 1990/252 of 25 May 1990, the Council authorized the meetings of the working group to be held one to three months prior to a session of the Committee.

8. The Chairperson of the Committee, in consultation with the members of the Bureau, designated the following individuals as members of the pre-sessional working group to meet:

Prior to the twelfth session:

Mrs. Virginie AHODIKPE
Ms. Chikako TAYA
Mrs. María de los Angeles JIMENEZ BUTRAGUEÑO
Mr. Juan ALVAREZ VITA
Mr. Valeri KOUZNETSOV

Prior to the thirteenth session:

Mr. Abdessatar GRISSA
Mr. Juan ALVAREZ VITA
Mrs. Virginia BONOAN-DANDAN
Mr. Dumitru CEAUSU
Mrs. María de los Angeles JIMENEZ BUTRAGUEÑO.

9. The pre-sessional working group held its meetings at the United Nations Office at Geneva from 12 to 16 December 1994 and from 22 to 26 May 1995, respectively. All members of the working group attended its meetings. The working group identified issues that might most usefully be discussed with the representatives of the reporting States and lists of such questions were transmitted to the permanent missions of the States concerned.

### E. Election of officers

10. In accordance with rule 14 of its rules of procedure, the Committee, at the 1st and 2nd meetings of its twelfth session, elected the members of its Bureau, as follows:

Chairperson: Mr. Philip ALSTON

Vice-Chairpersons: Mr. Juan ALVAREZ VITA
Mr. Abdessatar GRISSA
Mr. Dumitru CEAUSU

Rapporteur: Mrs. Virginia BONOAN-DANDAN

### F. Organization of work

#### Twelfth session

11. The Committee considered its organization of work at its 1st and 2nd meetings on 1 May, 3rd meeting on 2 May, 5th meeting on 3 May, 7th meeting on 4 May, 10th meeting on 5 May, 13th and 14th meetings on 9 May, 24th meeting on 16 May, 25th and 26th meetings on 17 May, 28th meeting on 18 May and 29th meeting on 19 May 1995. In connection with this item, the Committee had before it the following documents:

(a) Draft programme of work for the twelfth session, prepared by the Secretary-General in consultation with the Chairperson of the Committee (E/C.12/1995/L.1);

(b) Reports of the Committee on the work of its first (E/1987/28), second (E/1988/14), third (E/1989/22), fourth (E/1990/23), fifth (E/1991/23), sixth (E/1992/23), seventh (E/1993/22), eighth and ninth (E/1994/23) and tenth and eleventh sessions (E/1995/22).

12. In accordance with rule 8 of its rules of procedure, the Committee, at its 1st meeting on 1 May 1995, considered the draft programme of work for its twelfth session and approved it, as amended during consideration (see E/C.12/1995/L.1/Rev.1).

#### Thirteenth session

13. The Committee considered its organization of work at its 30th meeting on 20 November, 37th meeting on 23 November and 49th meeting on 1 December 1995. In connection with this item, the Committee had before it the following documents:

(a) Draft programme of work for the thirteenth session, prepared by the Secretary-General in consultation with the Chairperson of the Committee (E/C.12/1995/L.2);

(b) Reports of the Committee on the work of its first (E/1987/28), second (E/1988/14), third (E/1989/22), fourth (E/1990/23), fifth (E/1991/23), sixth (E/1992/23), seventh (E/1993/22), eighth and ninth (E/1994/23) and tenth and eleventh sessions (E/1995/22).

14. In accordance with rule 8 of its rules of procedure, the Committee, at its 30th meeting on 20 November 1995, considered the draft programme of work for its thirteenth session and approved it, as amended during consideration (see E/C.12/1995/L.2/Rev.1).

## G. Next session

15. In accordance with the established schedule, the fourteenth and fifteenth sessions would take place from 30 April to 17 May 1996 and from 18 November to 6 December 1996, respectively.

## H. States parties' reports scheduled for consideration by the Committee at its fourteenth session

16. The Committee, at its 37th meeting on 23 November 1995, decided that the following States parties' reports would be considered at its fourteenth session:

### Initial reports concerning articles 1 to 15 of the Covenant

| | |
|---|---|
| Paraguay | E/1990/5/Add.23 |
| Guatemala | E/1990/5/Add.24 |
| El Salvador | E/1990/5/Add.25 |

### Second periodic reports concerning articles 1 to 15 of the Covenant

| | |
|---|---|
| Dominican Republic | E/1990/6/Add.7 |

### Third periodic reports concerning articles 1 to 15 of the Covenant

| | |
|---|---|
| Spain | E/1994/104/Add.5 |

17. The Committee also decided that it would review the implementation of the provisions of the Covenant in Guinea, which had not submitted any report at all since its ratification of the Covenant, on the basis of any information that might be available to it.

## I. Composition of the pre-sessional working group

### Fourteenth session

18. The Chairperson of the Committee designated the following members to serve on the pre-sessional working group: Mr. J. Alvarez Vita, Mr. Ade Adekuoye, Mrs. M. Jiménez Butragueño, Mr. V. Kouznetsov and Ms. C. Taya.

### Fifteenth session

19. The Chairperson of the Committee designated the following members to serve on the pre-sessional working group: Mr. J. Alvarez Vita, Mr. S. Ahmed, Mr. D. Ceausu, Mrs. V. Bonoan-Dandan and Mrs. M. Jiménez Butragueño.

## Chapter III

## OVERVIEW OF THE PRESENT WORKING METHODS OF THE COMMITTEE

20. This chapter of the Committee's report aims at providing a concise and up-to-date overview and explanation of the ways in which the Committee on Economic, Social and Cultural Rights carries out its various functions. It is designed to make the Committee's current practice more transparent and readily accessible so as to assist States parties and others interested in the implementation of the Covenant. Since its first session, in 1987, the Committee has made a concerted effort to devise appropriate working methods which adequately reflect the nature of the tasks with which it has been entrusted. In the course of its 13 sessions it has sought to modify and develop these methods in the light of its experience. It may be expected that these methods will continue to evolve, taking account of the introduction of the reporting system requiring that a single global report be submitted every five years, the evolution of the procedures developing within the treaty regime as a whole and the feedback which the Committee receives from States parties and the Economic and Social Council.

### A. General guidelines for reporting

21. The Committee attaches major importance to the need to structure the reporting process and the dialogue with each State party's representatives in such a way as to ensure that the issues of principal concern to it are dealt with in a methodical and informative manner. For this purpose the Committee has substantially revised its reporting guidelines with a view to assisting States in the reporting process and improving the effectiveness of the monitoring system as a whole. The Committee strongly urges all States parties to report to it in accordance with the guidelines to the greatest extent possible. It notes that, over the course of time, the guidelines adopted at its fifth session (E/1991/23, annex IV) may be revised to take account of its experience therewith.

### B. Examination of States parties' reports

#### 1. Work of the pre-sessional working group

22. Since the third session, a pre-sessional working group has met, usually for five days, prior to each of the Committee's sessions. It is composed of five members of the Committee nominated by the Chairperson, taking account of the desirability of a balanced geographical distribution.

23. The principal purpose of the working group is to identify in advance the questions which might most usefully be discussed with the representatives of the reporting States. The aim is to improve the efficiency of the system and to facilitate the task of States' representatives by providing advance notice of many of the principal issues which will arise in the examination of the reports (E/1988/14, para. 361).

24. It is generally accepted that the complex nature and diverse range of many of the issues raised in connection with the implementation of the Covenant constitutes a strong argument in favour of providing States parties with the possibility of preparing in advance to answer some of the principal

questions arising out of their reports. Such an arrangement also enhances the likelihood that the State party will be able to provide precise and detailed information.

25. In terms of its own working methods, the working group, in the interests of efficiency, allocates to each of its members initial responsibility for undertaking a detailed review of a specific number of reports and for putting before the group a preliminary list of issues. The decision as to how the reports should be allocated for this purpose is based in part on the preferred areas of expertise of the member concerned. Each draft is then revised and supplemented on the basis of observations by the other members of the group and the final version of the list is adopted by the group as a whole. This procedure applies equally to both initial and periodic reports.

26. In preparation for the pre-sessional working group, the Committee has asked the secretariat to place at the disposal of its members a country analysis as well as all pertinent documents containing information relevant to each of the reports to be examined. For this purpose the Committee has invited all concerned individuals, bodies and non-governmental organizations to submit relevant and appropriate documentation to the secretariat. It has also asked the secretariat to ensure that certain types of information are regularly placed in the relevant files.

27. In order to ensure that the Committee is as well informed as possible, it provides opportunities for non-governmental organizations to submit relevant information to it. They may do this in writing at any time, in accordance with the appropriate Economic and Social Council procedures. The Committee's pre-sessional working group is also open to the submission of information in person or in writing from any non-governmental organizations, provided that it relates to matters on the agenda of the working group. In addition, the Committee sets aside part of the first afternoon at each of its sessions to enable representatives of non-governmental organizations to provide oral information. Such information should: (a) focus specifically on the provisions of the International Covenant on Economic, Social and Cultural Rights; (b) be of direct relevance to matters under consideration by the Committee; (c) be reliable; and (d) not be abusive. The relevant meeting is open and provided with interpretation services, but is not covered by summary records.

28. As from its eleventh session, the Committee requested the secretariat to ensure that any written information formally submitted to it by individuals or non-governmental organizations in relation to the consideration of a specific State party report be made available as soon as possible to the representative of the State concerned.

29. The lists of issues drawn up by the working group are given directly to a representative of the States concerned, along with a copy of the Committee's most recent report and with a note stating, inter alia, the following:

> "The list is not intended to be exhaustive and it should not be interpreted as limiting or in any other way prejudging the type and range of questions which members of the Committee might wish to ask. However, the working group believes that the constructive dialogue which the Committee wishes to have with the representatives of the State party can

be facilitated by making the list available in advance of the Committee's session. In order to improve the dialogue that the Committee seeks, it strongly urges each State party to provide in writing its replies to the list of issues and to do so sufficiently in advance of the session at which its report will be considered to enable the replies to be translated and made available to all members of the Committee."

30. In addition to the task of formulating the lists of questions, the pre-sessional working group is also entrusted with a variety of other tasks designed to facilitate the work of the Committee as a whole. These have in the past included: discussing the most appropriate allocation of time for the consideration of each State report; considering the issue of how best to respond to supplementary reports containing additional information; examining draft general comments; considering how best to structure the day of general discussion; and other relevant matters.

### 2. Presentation of the report

31. In accordance with the established practice of each of the United Nations human rights treaty monitoring bodies, representatives of the reporting States are entitled, and indeed are strongly encouraged, to be present at the meetings of the Committee when their reports are examined. The following procedure was followed in this regard at the Committee's preceding sessions. The representative of the State party was invited to introduce the report by making brief introductory comments and introducing any written replies, or otherwise responding orally, to the list of issues drawn up by the pre-sessional working group. A period of time was then allocated to enable the representatives of the specialized agencies to provide the Committee with any observations relevant to the report under consideration. During the same period, members of the Committee were invited to put questions and observations to the representative of the State party. A further period of time, preferably not on the same day, was then allocated to enable the representative to respond, as precisely as possible, to the questions asked. It was generally understood that questions that could not adequately be dealt with in this manner could be the subject of additional information provided to the Committee in writing.

32. The final phase of the Committee's examination of the report consists of the drafting and adoption of the Committee's concluding observations. The Committee has agreed that, as from its tenth session, this task would be approached in the following way. Within a day or so of the completion of the dialogue with the State party's representatives, the Committee will set aside a 30-minute period, in closed session, to enable its members to express their preliminary views. The member with primary responsibility in relation to the State party concerned will then prepare, with the assistance of the secretariat, a draft set of concluding observations for consideration by the Committee. The agreed structure of the concluding observations is as follows: introduction; positive aspects; factors and difficulties impeding the implementation of the Covenant; principal subjects of concern; and suggestions and recommendations. At a later stage, the Committee then discusses the draft, again in private session, with a view to adopting it by consensus.

33. The concluding observations are formally adopted in public session on the final day of the session. As soon as this occurs they are considered to have

been made public and are available to all interested parties. They are then forwarded to the State party concerned and included in the Committee's report. If it so wishes, the State party may address any of the Committee's concluding observations in the context of any additional information that it provides to the Committee.

34. When considering reports based on the previous reporting cycle and dealing with only three articles of the Covenant, the Committee has endeavoured to make the most of the very limited time available in which to undertake a constructive and mutually rewarding dialogue with the representatives of the States parties. This has generally involved an effort to remain within a time-limit for each phase of the examination, on the basis that only one meeting (three hours) can generally be devoted to each report.

35. After the new reporting periodicity was endorsed by the Economic and Social Council in 1988, the Committee decided at its ninth session that the interim arrangements it had made to facilitate the transition by States parties to the new periodicity would no longer apply as from 1 January 1995. As from that date, all reports submitted to the Committee should be comprehensive reports covering all the provisions of the Covenant in accordance with the reporting guidelines.

36. In general, the Committee devotes three meetings (of three hours each) to its consideration of each global report (dealing with arts. 1-15). While the use of the time available varies from one case to another, a reasonably typical allocation is as follows: between one and two hours for the State party representatives to introduce the report and explain the answers provided in advance in writing to the Committee's list of written questions; up to three hours for the members of the Committee to make comments and pose additional questions; up to three hours (at a meeting held the following day) for the representatives of the State party to respond to the additional questions and for further clarification of issues raised; between one and three hours towards the end of the session for the Committee to discuss, in private, its concluding observations.

### 3. Deferrals of the presentation of reports

37. Last-minute requests by States to defer the presentation of a report which has been scheduled for consideration at a particular session are extremely disruptive for all concerned and have caused major problems for the Committee in the past. Accordingly, the Committee's policy as from its eighth session is not to grant such requests and to proceed with its consideration of all scheduled reports, even in the absence of a representative of the State concerned.

## C. Procedures in relation to follow-up action

38. In situations in which the Committee considers that additional information is necessary to enable it to continue its dialogue with the State party concerned, there are several options that might be pursued:

(a) The Committee might note that specific issues should be addressed in a detailed manner in the State party's next periodic report, which would normally be due in five years' time;

(b) The Committee might take note specifically of the State party's stated intention to submit additional information in writing, particularly in response to questions posed by the members of the Committee;

(c) The Committee might specifically request that additional information, relating to matters that it would identify, be submitted to the Committee within six months, thus enabling it to be considered by the pre-sessional working group. In general, the working group could recommend one or another of the following responses to the Committee:

(i) That it take note of such information;

(ii) That it adopt specific concluding observations in response to that information;

(iii) That the matter be pursued through a request for further information; or

(iv) That the Committee's Chairperson be authorized to inform the State party, in advance of the next session, that the Committee would take up the issue at its next session and that, for that purpose, the participation of a representative of the State party in the work of the Committee would be welcome.

(d) The Committee might determine that the receipt of additional information is urgent and request that it be provided within a given time-limit (perhaps two to three months). In such a case, the Chairperson, in consultation with the members of the Bureau, could be authorized to follow up the matter with the State party if no response is received or if the response is patently unsatisfactory.

39. In situations in which the Committee considers that it is unable to obtain the information it requires on the basis of the above-mentioned procedures, it may decide to adopt a different approach instead. In particular, the Committee may, as has already been done in connection with two States parties, request that the State party concerned accept a mission consisting of one or two members of the Committee. Such a decision would only be taken once the Committee had satisfied itself that there was no adequate alternative approach available to it and that the information in its possession warranted such an approach. The purposes of such an on-site visit would be: (a) to collect the information necessary for the Committee to continue its constructive dialogue with the State party and to enable it to carry out its functions in relation to the Covenant; and (b) to provide a more comprehensive basis upon which the Committee might exercise its functions in relation to articles 22 and 23 of the Covenant concerning technical assistance and advisory services. The Committee would state specifically the issue(s) with respect to which its representative(s) would seek to gather information from all available sources. The representative(s) would also have the task of considering whether the programme of advisory services administered by the Centre for Human Rights could be of assistance in connection with the specific issue at hand.

40. At the conclusion of the visit, the representative(s) would report to the Committee. In the light of the report presented by its representative(s), the Committee would then formulate its own conclusions. Those conclusions would relate to the full range of functions carried out by the Committee, including those relating to technical assistance and advisory services. In a case where the State party concerned did not accept the proposed mission, the Committee would consider making whatever recommendations might be appropriate to the Economic and Social Council.

### D. Procedure in response to non-submitted and considerably overdue reports

41. The Committee believes that a situation of persistent non-reporting by States parties risks bringing the entire supervisory procedure into disrepute, thereby undermining one of the foundations of the Covenant.

42. Accordingly, the Committee resolved at its sixth session to begin in due course to consider the situation concerning the implementation of the Covenant in respect of each State party whose initial or periodic reports were very significantly overdue. At its seventh session it resolved to begin scheduling consideration of such reports at its future sessions and to notify the States parties concerned. It began to apply this procedure at its ninth session.

43. The Committee has adopted the following procedure:

(a) To select States parties whose reports are very much overdue on the basis of the length of time involved;

(b) To notify each such State party that the Committee intends to consider the situation with respect to that country at a specified future session;

(c) To move, in the absence of any report, to consider the status of the economic, social and cultural rights in the light of all available information;

(d) To authorize its Chairperson, in situations where the State party concerned indicates that a report will be provided to the Committee and upon a request from the State party, to defer consideration of the situation for one session, but not longer.

### E. Day of general discussion

44. At each session, the Committee devotes one day, usually the Monday of the third week, to a general discussion of a particular right or of a particular aspect of the Covenant. The purpose is twofold: the day assists the Committee in developing in greater depth its understanding of the relevant issues; and it enables the Committee to encourage inputs into its work from all interested parties. The following issues have been the focus of discussion: the right to adequate food (third session); the right to housing (fourth session); economic and social indicators (sixth session); the right to

take part in cultural life (seventh session); the rights of the ageing and elderly (eighth session); the right to health (ninth session); the role of social safety nets (tenth session); human rights education (eleventh session); the interpretation and practical application of the obligations incumbent on States parties (twelfth session); and a draft optional protocol to the Covenant (thirteenth session).

## F. Other consultations

45. The Committee has sought to coordinate its activities with those of other bodies to the greatest extent possible and to draw as widely as it can upon available expertise in the fields of its competence. For this purpose, it has consistently invited individuals such as special rapporteurs of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, chairpersons of Commission on Human Rights working groups and others to address it and engage in discussions.

46. The Committee has also sought to draw on the expertise of the relevant specialized agencies and United Nations organs, both in its work as a whole and, more particularly, in the context of its general discussions.

47. In addition, the Committee has invited a variety of experts who have a particular interest in, and knowledge of, some of the issues under review to contribute to its discussions. These contributions have added considerably to its understanding of some aspects of the questions arising under the Covenant.

## G. General comments

48. In response to an invitation addressed to it by the Economic and Social Council, the Committee decided to begin, as from its third session, the preparation of general comments based on the various articles and provisions of the International Covenant on Economic, Social and Cultural Rights with a view to assisting the States parties in fulfilling their reporting obligations.

49. By the end of its thirteenth session, the Committee and the Sessional Working Group of Governmental Experts which existed prior to the creation of the Committee had examined 153 initial reports, 71 second periodic reports concerning rights covered by articles 6 to 9, 10 to 12 and 13 to 15 of the Covenant, and 25 global reports. This work covered a significant number of the States parties to the Covenant, which totalled 133 at the end of the thirteenth session. They represented all regions of the world, with different political, legal, socio-economic and cultural systems. Their reports submitted so far had illustrated many of the problems which might arise in implementing the Covenant, although they had not yet provided any complete picture of the global situation with regard to the enjoyment of economic, social and cultural rights.

50. The Committee endeavours, through its general comments, to make the experience gained so far through the examination of those reports available for the benefit of all States parties in order to assist and promote their further implementation of the Covenant; to draw the attention of the States parties to insufficiencies disclosed by a large number of reports; to suggest improvements in the reporting procedures and to stimulate the activities of

the States parties, international organizations and the specialized agencies concerned in achieving progressively and effectively the full realization of the rights recognized in the Covenant. Whenever necessary, the Committee may, in the light of the experience of States parties and of the conclusions drawn therefrom, revise and update its general comments.

51. The Committee has so far adopted the following general comments: General Comment No. 1 (1989) on reporting by States parties; General Comment No. 2 (1990) on international technical assistance measures; General Comment No. 3 (1990) on the nature of States parties' obligations; General Comment No. 4 (1991) on the right to adequate housing; General Comment No. 5 (1994) on the rights of persons with disabilities; and General Comment No. 6 (1995) on the economic, social and cultural rights of older persons.

## Chapter IV

## SUBMISSION OF REPORTS BY STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE COVENANT

52. In accordance with rule 58 of its rules of procedure, the Committee, at its 37th meeting on 23 November 1995, considered the status of submission of reports under articles 16 and 17 of the Covenant.

53. In that connection, the Committee had before it the following documents:

(a) Note by the Secretary-General on the revised general guidelines regarding the form and contents of reports to be submitted by States parties (E/C.12/1991/1);

(b) Note by the Secretary-General on States parties to the Covenant and the status of submission of reports as at 1 September 1995 (E/C.12/1995/10 and Corr.1).

54. The Secretary-General informed the Committee that, in addition to the reports scheduled for consideration by the Committee at its thirteenth session (see para. 61 below), he had received, as at 1 December 1995, the reports submitted under articles 16 and 17 of the Covenant by the following States parties:

> Initial report of Paraguay (E/1990/5/Add.23); third periodic report of Spain (E/1994/104/Add.5); second periodic report of the Dominican Republic (E/1990/6/Add.7); initial reports of Guatemala (E/1990/5/Add.24) and El Salvador (E/1990/5/Add.25); second periodic report of Portugal (Macau) (E/1990/6/Add.8); third periodic reports of Belarus (E/1994/104/Add.6) and Finland (E/1994/104/Add.7); initial reports of the Libyan Arab Jamahiriya (E/1990/5/Add.26), Guyana (E/1990/5/Add.27) and Zimbabwe (E/1990/5/Add.28); third periodic report of the Russian Federation (E/1994/104/Add.8); initial report of Peru (E/1990/5/Add.29); and second periodic report of Luxembourg (E/1990/6/Add.9).

55. In accordance with rule 57, paragraph 1, of the Committee's rules of procedure, a list of States parties together with an indication of the status of submission of their reports is contained in annex I to the present report. In accordance with rule 57, paragraph 2, the Committee made a number of recommendations to the Economic and Social Council which are included in chapters I and VII of the present report.

## Chapter V

## CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE COVENANT

### Twelfth session

56. At its twelfth session, the Committee examined five reports submitted by five States parties under articles 16 and 17 of the Covenant. It devoted 22 of the 29 meetings it held during the twelfth session to the consideration of these reports (E/C.12/1995/SR.3, 4, 6 to 20, 23, 25 to 27 and 29).

57. At its 17th, 18th and 28th meetings, held on 11 and 18 May 1995, the Committee considered and adopted a report on the technical assistance mission to Panama (E/C.12/1995/SR.17, 18 and 28), which took place from 16 to 22 April 1995 (for the text of the report see annex V).

58. The reports before the Committee at its twelfth session were the following:

Initial reports concerning articles 10 to 12 of the Covenant

| | |
|---|---|
| Philippines | E/1986/3/Add.17 |

Initial reports concerning articles 1 to 15 of the Covenant

| | |
|---|---|
| Republic of Korea | E/1990/5/Add.19 |
| Suriname | E/1990/5/Add.20 |

Second periodic reports concerning articles 1 to 15 of the Covenant

| | |
|---|---|
| Portugal | E/1990/6/Add.6 |

Third periodic reports concerning articles 1 to 15 of the Covenant

| | |
|---|---|
| Sweden | E/1994/104/Add.1 |

59. In accordance with rule 62 of the Committee's rules of procedure, representatives of all the reporting States were invited to participate in the meetings of the Committee when their reports were examined. All the States parties whose reports were considered by the Committee sent representatives to participate in the examination of their respective reports.

### Thirteenth session

60. At its thirteenth session, the Committee examined five reports submitted by five States parties under articles 16 and 17 of the Covenant. It devoted 23 of the 29 meetings it held during the thirteenth session to the consideration of these reports (E/C.12/1995/SR.32 to 37, 40 to 49 and 52 to 58).

61. The following reports were before the Committee at its thirteenth session:

Initial reports concerning articles 1 to 15 of the Covenant

| | |
|---|---|
| Mauritius | E/1990/5/Add.21 |
| Algeria | E/1990/5/Add.22 |

Third periodic reports concerning articles 1 to 15 of the Covenant

| | |
|---|---|
| Colombia | E/1994/104/Add.2 |
| Norway | E/1994/104/Add.3 |
| Ukraine | E/1994/104/Add.4 |

62. In accordance with rule 62 of the Committee's rules of procedure, representatives of all the reporting States were invited to participate in the meetings of the Committee when their reports were examined. All the States parties whose reports were considered by the Committee sent representatives to participate in the examination of their respective reports. In accordance with a decision adopted by the Committee at its second session, the names and positions of the members of each State party's delegation are listed in annex IX to the present report.

63. At its eighth session the Committee had decided to discontinue its practice of including in its annual report summaries of the consideration of country reports. In accordance with modified rule 57 of the Committee's rules of procedure, the annual report should contain, inter alia, the concluding observations of the Committee relating to each State party's report. Accordingly, the following paragraphs arranged on a country-by-country basis according to the sequence followed by the Committee in its consideration of the reports contain the concluding observations adopted by the Committee with respect to the States parties' reports considered at its twelfth and thirteenth sessions.

## Twelfth session

### REPUBLIC OF KOREA

64. The Committee considered the initial report of the Republic of Korea on articles 1 to 15 of the Covenant (E/1990/5/Add.19) at its 3rd, 4th and 6th meetings on 2 and 3 May 1995 and, at its 27th meeting on 18 May 1995, adopted the following concluding observations.

### A. Introduction

65. The Committee expresses its appreciation to the State party for its comprehensive report, prepared largely in conformity with the Committee's guidelines, and for the written replies to the list of questions made available to it before the session. The State party is also to be commended for sending a large high-level delegation to discuss the report and for its useful dialogue with the Committee. The Committee notes, however, that the report, though comprehensive in form, provided information which in many areas was excessively general in content. Accordingly, the offer of the

Government to furnish further and precise written responses to questions posed is welcomed. The Committee appreciates the subsequent prompt submission of those replies on 5 May 1995 by the Government of the Republic of Korea.

### B. Positive aspects

66. The Committee notes with satisfaction the significant and rapid economic growth during the past 30 years in the Republic of Korea and that the considerable material progress achieved should lay the foundation for the enhanced enjoyment of economic, social and cultural rights. The Committee further notes the first steps taken towards the development of a social security system appropriate to a country at the Republic of Korea's stage of development. Further positive developments in the Korean society are evidenced by the virtual eradication of illiteracy among all sectors of society other than older persons, the increase in the level of life expectancy and the efforts to increase the national housing pool.

67. The Committee takes note of the recent legislative attempts to address the problem of violence against women in the family and to recognize the rights of women to inheritance.

68. The Committee welcomes the establishment of human rights focal points in the major government ministries, including the provision of legal aid through the introduction of the Public Legal Officers System.

### C. Factors and difficulties impeding the implementation of the Covenant

69. The Committee recognizes that the Republic of Korea is passing through a period of social and political transition. The developments in each of these areas have not been sufficiently balanced. The efforts and achievements in securing outstanding and rapid economic growth have not always been matched by an appropriate level of protection of economic, social and cultural rights. It is also acknowledged that the country has only recently emerged from a sustained period of military rule to a system of democratic government and that it faces a heavy agenda of changes in the establishment of a civic society, particularly in the face of deeply entrenched social prejudices. Finally, problems deriving from the political partition of the Korean peninsula continue to impose a pervasive fortress mentality arising from perceived threats to national security.

### D. Principal subjects of concern

70. The Committee is concerned as to the status of the Covenant in national law. Although representatives of the Republic of Korea have asserted that all domestic legislation is consistent with the provisions of the Covenant, the Committee remains concerned that no mechanisms exist permitting the verification of compatibility between domestic legislation and the provisions of the Covenant.

71. The Committee is of the view that restrictions concerning the right to form trade unions are not consistent with the obligations assumed by the Republic of Korea under article 8 of the Covenant. There is no apparent reason for the ban on the formation of trade unions by groups such as the

teaching profession, particularly where the prohibition does not apply to other groups, including workers in the defence industry. Similarly, the regulations concerning the right to strike are excessively restrictive and would appear to leave to the authorities an almost absolute discretion in the determination of the legality of incidents of industrial action. While acknowledging the cultural traditions of the Republic of Korea, including the high esteem in which teachers are held, the Committee finds this to be a wholly unacceptable basis on which to defend the excessive limitation on the freedom of significant sectors of the Korean society to enjoy the basic right to belong to unions of their choice.

72. The Committee is also greatly disturbed by reports of dismissals for engaging in industrial action and of police attacks on trade unionists engaged in peaceful activities.

73. Despite the Government's stated policy and its range of special programmes, the Committee views the situation of women in Korean society as very unsatisfactory. In all areas of life women suffer from discriminatory practices due to many factors, including long-standing cultural prejudice. In the home, the subjugation of women is evidenced by the very high levels of domestic violence against them disclosed in the Government's report. Notice is also taken of such anachronistic rules as the legal inability of a woman in certain cases to vest her nationality in her child. In education, the disparities between the percentages of boys and girls in second- and third-level institutions are disturbing. In this regard, the Committee observes that the lack of access to and high cost of secondary and higher education contribute to the low rate of female participation.

74. Particular concern is expressed as to the wage differential between men and women and to other discriminatory practices in the workplace, including an apparently high rate of sexual discrimination in recruitment. The Committee expresses its concern with regard to the non-enforcement by the Government of its own policies and legislation in these matters.

75. The Committee is alarmed that there has been a relatively high incidence of accidents in the workplace in the Republic of Korea and that there has been a failure to address the problem adequately. It is especially disturbing that various workplace regulations do not apply to enterprises with fewer than 10 employees. The failure of minimum-wage regulations to extend to staff of these enterprises is to be regretted and the Committee welcomes the Government's stated intention to review the situation. The conditions and treatment of non-nationals in the Korean workforce give cause for concern and the information made available to the Committee by the Government does not disclose an adequate range of legal measures to protect such workers.

76. The Committee is disturbed by a range of features of the Korean education system. Only primary education is provided free of charge. However, given the strength of the Korean economy it appears appropriate that free education should also extend to the secondary and higher sectors. The Committee also notes the acknowledgement made orally by the Government's representative that there is a severe problem of undersupply of places in higher education resulting in extremely competitive entry requirements. One consequence of this situation is that private institutions are likely to raise their charges and thus force the children of lower-income groups to stay out of the system.

77. The Committee is concerned by the housing situation in the Republic of Korea and considers that it has not been given adequate information on the subject, especially with regard to unsuitable housing, the number of homeless people and forcible evictions. It notes that, according to international non-governmental sources, 720,000 persons were evicted on the occasion of the Olympic Games in Seoul and that no information has been provided on their subsequent situation, while 16,000 persons are said to have been evicted since February 1992. Lastly, according to national non-governmental sources, 4,000 evictions took place in 1994. Despite the Committee's concerns, there has been no response to its questions or, more generally, to problems relating to the right to housing.

78. The Committee is of the view that the Government, in view of its economic resources, has inadequately addressed the economic, social and cultural rights of the most marginalized members of society. Among categories of person who are in need of greater attention and concern are the very poor, the homeless and especially victims of severe physical and mental handicap.

## E. Suggestions and recommendations

79. The Committee draws attention to the obligation on the Republic of Korea to ensure the status of the Covenant in the field of economic, social and cultural rights as superior to all national law, whether precedent or subsequent. It recommends that all laws be examined in order to ensure conformity with the provisions of the Covenant. It also recommends that programmes of education be extended in order to increase awareness of the provisions of the Covenant throughout society and to ensure its application in the judicial process, as well as its observance by law enforcement agencies.

80. The Committee recommends that the Government immediately amend its laws and regulations concerning the freedom to form trade unions and the right to strike in order to bring them into compliance with the Covenant and with other applicable international standards. In particular, measures should be taken to ensure that teachers, civil servants and others have the right to form trade unions and to take strike action.

81. The Committee, though acknowledging the value of existing governmental programmes, urges that priority be given to the promotion of the role of women in society. It is strongly recommended that, in order to deal with discrimination against women, it is necessary to allocate resources to carry out a range of initiatives in the fields, inter alia, of juvenile and adult education, enhanced job opportunities, law reform and the administration of justice. It is also recommended that programmes should be introduced with a view to redressing the imbalances in the status of women in the Korean society.

82. The Committee recommends that the Republic of Korea extend the regulations on safety in the workplace and on minimum wages to enterprises with fewer than 10 employees. All improvements in conditions of work should be applied equally to national and non-national workers, and existing discriminatory practices against those non-nationals currently employed should be eradicated.

83. The Committee recommends that appropriate measures should be taken in order more effectively to guarantee the right to housing and, in particular, to ensure that no evictions are carried out without offers of alternative housing, in accordance with the Committee's General Comment No. 4 (1991). It would also like further information on the application of article 11 of the Covenant in the Republic of Korea and, in particular, on the right to housing.

84. The Committee also recommends that immediate attention be given to problems in the field of education and, in particular, to enhancing the access of the most vulnerable and disadvantaged groups, especially women, to secondary and higher education, as well as to the need for an expanded higher education sector. The Committee recommends that greater attention be given to the provision of human rights education at all levels in the school system.

85. While it is acknowledged that the Republic of Korea has introduced elements of a social welfare system, it is urged to proceed swiftly with its expansion to meet the needs of those on the margins of society, including foreign workers. The protection of foreign workers needs, in its turn, particular attention, especially considering their social isolation and vulnerability. Particular attention is drawn to the very poor, the homeless and victims of severe mental or physical illness.

## PORTUGAL

86. At its 7th, 8th and 10th meetings on 4 and 5 May 1995, the Committee considered the second periodic report of Portugal on articles 1 to 15 of the Covenant (E/1990/6/Add.6), as well as the written replies to the additional questions formulated by the pre-sessional working group, and, at its 27th meeting on 18 May 1995, adopted the following concluding observations.

### A. Introduction

87. The Committee expresses great appreciation to the State party for its comprehensive and detailed report and the substantial additional information which it communicated in writing, as well as for the excellent dialogue established between the members of the Committee and the large delegation of experts, which included a number of women representing relevant parts of the Portuguese Government.

88. The Committee is most appreciative of the transparent, detailed and precise manner in which the Portuguese delegation replied to all its questions, demonstrating the firm determination of the Government of Portugal to implement all the provisions of the Covenant.

### B. Positive aspects

89. The Committee congratulates Portugal on the numerous constitutional, legislative and other measures which it has taken to promote the realization of economic, social and cultural rights as provided for in the Covenant. It notes with satisfaction the efforts of the Government to tackle unemployment from various angles; the positive measures undertaken with regard to the protection of the economic, social and cultural rights of women, elderly workers and disabled persons; the increase, both in absolute terms and in proportion to military expenditures, in public spending on health; the

existence of a non-contributory social security system in parallel with the general system; and the measures taken to regularize the situation of clandestine immigrant workers.

90. The Committee welcomes the decision of the Portuguese Government to ratify ILO Convention No. 138 (1973) concerning minimum age for admission to employment. It also notes with interest the raising of the minimum age for access to employment in 1992, the recent decision to increase the duration of compulsory schooling to nine years, and the various measures taken to combat child labour.

91. The Committee notes with satisfaction the campaigns conducted against intolerance and racial discrimination, in favour of equality between the sexes and against child labour. The Committee notes with interest the training courses on human rights given to law enforcement and judicial personnel, and also the information campaign on the Covenant and the Committee on Economic, Social and Cultural Rights.

92. The Committee appreciates the efforts being made by the Portuguese Government to secure from the Government of the People's Republic of China all possible guarantees regarding respect for the provisions of the Covenant in the territory of Macau after 1999.

### C. Factors and difficulties impeding the implementation of the Covenant

93. The Committee notes that Portugal is in a situation of economic transition and, in certain respects, still has the characteristics of a developing country, particularly an illiteracy rate which remains fairly high and an appreciable proportion of the population living below the poverty line.

### D. Principal subjects of concern

94. The Committee notes with concern that, despite the existing legislative provisions and the efforts of the Commission on Equality in Employment, there is still de facto discrimination against women with regard to the right to equal treatment at work and the right to equal remuneration.

95. The Committee notes that the increase in the minimum wage has not kept pace with economic growth in recent years and is concerned about a tendency for the minimum wage to depreciate.

96. The Committee is also disturbed by the fact that secondary and higher education enrolment rates are still relatively low compared to countries with a stage of development comparable to that of Portugal. Drop-out and failure rates at the secondary and higher levels also remain high.

### E. Suggestions and recommendations

97. The Committee recommends that the Portuguese authorities should continue their efforts with a view to ensuring de facto equality between men and women, particularly in the fields of access to employment and equal pay for equal work.

98. The Committee recommends that the Government seek to ensure a gradual increase in the minimum wage, which should take account of Portugal's economic growth and the inflation rate, with the object of increasing the purchasing power of those living on the minimum wage.

99. The Committee urges the State party to continue its efforts to guarantee the right to housing for the most vulnerable groups, through improved sanitation and rehabilitation of dwellings which are insanitary or lack minimum basic services.

100. The Committee recommends that the Government take measures with a view to encouraging registration in secondary and higher education and to facilitate access to secondary and higher levels of education for persons from lower-income families.

## PHILIPPINES

101. The Committee considered the initial report of the Philippines on articles 10 to 12 of the Covenant (E/1986/3/Add.17) at its 11th, 12th and 14th meetings on 8 and 9 May 1995 and, at its 29th meeting on 19 May 1995, adopted the following concluding observations.

### A. Introduction

102. The Committee welcomes the appearance before it of a delegation composed mostly of experts from the capital, and the opportunity to engage in a dialogue with the Government.

103. The Committee notes with regret that no written answers to the list of issues it had raised were given in advance, and that only limited written information was made available to the Committee during the session in response to its requests. Partly as a result, some of the questions raised during the discussion were not answered satisfactorily by the delegation.

### B. Positive aspects

104. The Committee welcomes the fact that some of the rights guaranteed by the Covenant have been reflected in the Constitution and in domestic legislation. It also notes with appreciation the frankness with which the delegation acknowledged the existence of various problems, as identified in section D below.

105. The Committee also welcomes the fact that a government policy of land distribution exists in the country and that a start has been made with programmes to relocate some evicted and homeless people. The Committee also welcomes the Government's commitment to increase the amount of public expenditure devoted to the housing sector.

106. The Committee notes that efforts are being made by the Government in order to deal with the AIDS pandemic, with the active participation of WHO.

## C. Factors and difficulties impeding the implementation of the Covenant

107. The Committee observes that economic difficulties, aggravated by a strong migration from rural to urban areas and the servicing of the external debt, have had a constraining influence on the implementation of the Covenant.

108. Politico-social obstacles, including oligarchical and entrenched conservative religious influences, have often inhibited and aborted attempts to improve the lot of the disadvantaged classes and to remove some of the sociocultural ills which beset the Philippines.

109. The Committee also notes the highly detrimental consequences of the persisting civil conflict in the south of the country for the effective implementation of economic, social and cultural rights.

## D. Principal subjects of concern

110. The Committee was unable to ascertain the precise status of the Covenant in terms of its practical relevance within the judicial system. It notes that the National Human Rights Commission has not been accorded judicial powers in relation to human rights matters and that this has been a matter of some controversy within the Philippines. The delegation was unable to give details of any specific instance in which the Covenant had been successfully applied by domestic courts.

111. With regard to the issue of divorce, the Committee notes the different legal provisions applying in the predominantly Muslim provinces where the Shari'a is given effect and the other parts of the Philippines, where divorce is legally forbidden. The Committee is concerned about the discriminatory aspects of this approach and notes that civil marriage and divorce should be regulated so as to leave to the individuals concerned the duties that religion imposes. The prohibition of divorce often results in the breakdown of families, with highly detrimental consequences, particularly for abandoned women and children and also for the children of subsequent cohabitations, who must, by definition, be born out of wedlock. The Committee also regrets the apparent increase in incidents of domestic violence.

112. The Committee is concerned about the lack of resources devoted by the Government to preventing and combating the economic and sexual exploitation of children. It notes that the official government statistics relating to cases of child sexual exploitation are radically lower than apparently more reliable estimates from a variety of other sources. It is not convinced that the Government is doing enough to satisfy its obligations under the Covenant to seek to protect these children. The same observation applies with respect to the problem of street children. The Committee also expresses regret at the lack of mechanisms to monitor the application of the laws governing the legal minimum age of employment and the protection of children in labour matters, as required by the provisions of the Covenant.

113. The Committee is also concerned about the fact that, in the great majority of detention centres, juvenile offenders are detained together with

adults, in contravention of international standards. While the Government has acknowledged the need to redress this situation, efforts to date have been excessively modest.

114. The Committee notes with great concern the situation of Filipino overseas workers, especially women, who often face hardship and humiliation. It notes that significant problems of family disintegration and juvenile delinquency can accompany such massive exportation of labour.

115. The Committee expresses particular concern at the use of criminal-law provisions to deal with problems arising from the inadequacy of housing. It notes in this regard that Presidential Decree (PD) 772 has been used in some cases as a basis for the criminal conviction of squatters and that PD 1818 restricts the right of due process in the case of evictees. While the Committee does not condone the illegal occupation of land or the usurpation of property rights by persons otherwise unable to obtain access to adequate housing, it believes that, in the absence of concerted measures to address these problems, resort should not be had in the first instance to measures of criminal law or to demolition.

116. The Committee has received information from a variety of sources indicating that large-scale forced evictions occur frequently and are estimated to have affected hundreds of thousands of persons since the ratification of the Covenant by the Philippines. One figure presented to the Committee asserted that some 15,000 families were forcibly evicted between June 1992 and August 1994. The scale of forced evictions and the manner in which they are carried out are of concern to the Committee. The Government itself acknowledges that planned forced evictions may affect up to 200,000 families and that the Government has identified only 150,000 relocation sites. If these estimates are correct a very significant number of persons currently threatened with eviction will not receive adequate resettlement. Such a situation would not be compatible with respect for the right to housing.

117. The Committee is unable to accept statements made by the Government to the effect that the Covenant provides no protection from forced eviction. The right to housing cannot be interpreted as being silent in relation to such an issue and the Committee has consistently drawn the attention of other States parties to this matter.

118. While it is not for the Government itself to build or finance the housing units required to satisfy all of the demand in the country, it should make every effort to ensure that a fair share of the resources available is utilized for making low-cost housing available to the most disadvantaged and vulnerable sectors of society, and enabling the private sector to contribute to that endeavour. The Committee notes, however, that existing expenditures appear to benefit higher-income groups at the expense of the poor.

119. The Committee recognizes the Government's commitment to agrarian reform, as reflected in the Comprehensive Agrarian Reform Programme of 1987. It notes, however, that the implementation of the programme suffers as a result of major loopholes, a lack of funding and the lack of implementation measures. It notes that the Government has failed to meet its own targets and that there appears to be a lack of political will to redress the situation. The

inadequacy of the agrarian reform programme appears to have had a negative impact on the full realization of the right to food as enshrined in article 11 of the Covenant.

120. With regard to health services, the Committee notes the Government's plans to privatize and decentralize much of its programme. While there is no reason that the private sector should not be fully involved in the provision of health services, the Committee emphasizes that such an approach does not in any way relieve the Government of its Covenant-based obligation to use all available means to promote adequate access to health-care services, particularly for the poorer segments of the population. The Committee was unable to receive any assurances from the Government that its current plans have sought to address this issue adequately.

121. In terms of the availability of resources, the Committee notes with concern that a greater proportion of the national budget is devoted to military spending than to housing, agriculture and health combined.

122. The Committee notes with concern that, in the face of a rapidly growing population infected by HIV and AIDS, only several hundred of an affected population estimated by WHO to be in excess of 30,000 have been registered under the Government's programme. This would seem to indicate that the programme is either punitive of those who register or is not adequately publicized and made available to victims of the virus. In addition, the Committee was not provided with any information indicating that the Government is seeking to combat widespread discrimination against the victims of the virus.

## E. Suggestions and recommendations

123. The Committee recommends that consideration be given to increasing the proportion of the national budget devoted to slum-upgrading programmes, to community mortgage programmes and to programmes in the field of health and agriculture designed in particular to benefit the poorer groups in society.

124. The Committee also recommends that greater emphasis should be placed, within the framework of official development assistance provided by donor countries, on support for social adjustment programmes for purposes such as the financing of low-interest credit for the poorest farmers, slum-upgrading and other programmes for housing the poor. The Committee recalls that every effort must be made in times of structural adjustment to ensure that the basic economic, social and cultural rights of the poorest and most disadvantaged sectors of the population are protected to the greatest extent possible.

125. The Committee recommends that more detailed, policy-oriented studies be undertaken in relation to the situation of street children and would appreciate receiving information on the number of persons who have been punished for offences relating to the sexual exploitation of children.

126. The Committee urges the Government to take all appropriate measures to implement national legislation and the provisions of the Covenant concerning the protection of children from economic and sexual exploitation in particular, and to promote and guarantee the respect of their rights to education, health and housing.

127. The Committee would wish to receive, within a year, figures concerning the number, age and sector of activity of working children and the measures taken to reduce their number. It also wishes to receive information as to measures taken to reduce the sexual exploitation of children and the number of street children.

128. While the Committee recognizes, in relation to the issue of Filipino overseas workers, that the Government cannot control such emigration, it believes that more can and should be done to inform and educate existing and potential workers about the difficulties they might face abroad and about their rights.

129. The Committee urges the revision of all legislation which is inconsistent with the full enjoyment of equal rights for women and recommends that stronger judicial and other remedies be made available to redress the grievances of women who suffer from domestic violence.

130. The Committee recommends that the Government institute an emergency plan, which should include the identification of benchmarks, to expedite the agrarian reform process and provide mechanisms for the speedy handling of grievances concerning irregularities in the implementation of the Comprehensive Agrarian Reform Programme. The Committee urges the reform of tenancy legislation relating to peasants.

131. The Government should ensure that forced evictions are not carried out except in truly exceptional circumstances, following consideration of all possible alternatives and in full respect of the rights of all persons affected. The Committee urges the Government to extend indefinitely the moratorium on summary and illegal forced evictions and demolitions and to ensure that all those under threat in these contexts are entitled to due process. The Government should promote greater security of tenure in relation to housing in accordance with the principles outlined in the Committee's General Comment No. 4 (1991) and should take the necessary measures, including prosecutions wherever appropriate, to stop violations of laws such as R.A. 7279. In general, the Committee urges that consideration be given to the repeal of Presidential Decrees 772 and 1818 and recommends that all existing legislation relevant to the practice of forced evictions should be reviewed so as to ensure its compatibility with the provisions of the Covenant. The Committee considers that, when relocating evicted or homeless persons or families, attention should be paid to the availability of job opportunities, schools, hospitals or health centres, and transport facilities in the areas selected.

132. The Government should consider the establishment of an independent body legally responsible for preventing illegal forced evictions, and for monitoring, documenting and reviewing any ongoing or planned forced evictions. The Presidential Commission on the Urban Poor could also be given an enhanced mandate to protect housing rights, and to collect accurate and reliable indicators and statistics relating to urban problems such as homelessness, forced evictions, the numbers of those relocated, and the number of squatters.

133. The Committee recommends that the provisions of the Covenant be used as a supplementary guide to the interpretation of relevant domestic legislation and that all relevant domestic courts, tribunals and administrative and other

bodies ensure that their decisions are consistent with the obligations contained in the Covenant. In this regard, the Committee recommends the provision of training programmes for the judiciary, the legal profession and other relevant bodies concerning the application of the Covenant.

## SWEDEN

134. At its 13th, 15th and 16th meetings on 9 and 10 May 1995, the Committee considered the third periodic report of Sweden on articles 1 to 15 of the Covenant (E/1994/104/Add.1), as well as the written replies to the list of issues prepared by the pre-sessional working group, and, at its 27th meeting on 18 May 1995, adopted the following concluding observations.

### A. Introduction

135. The Committee expresses its appreciation for the report and supplementary information submitted by the State party, as well as for the written replies to the list of issues, and welcomes the high level of the delegation representing the State party during the consideration of the report. The Committee expresses satisfaction at the quality of the dialogue established with the State party, which it considers to have been frank and highly constructive in enabling the Committee to gain a clear understanding of the extent of the State party's compliance with the International Covenant on Economic, Social and Cultural Rights.

### B. Positive aspects

136. The Committee notes with satisfaction Sweden's achievements to date in promoting economic stability and providing social benefits for most persons living within its territory. It welcomes the recent establishment of the Office of the Children's Ombudsman and the previously noted Office of the Ombudsman against Ethnic Discrimination. It further notes with appreciation the high degree of attention being paid to human rights in the areas of education, overseas development assistance, and training of personnel involved in the administration of justice.

137. The Committee acknowledges the social assistance benefits being accorded to refugees, which include provision of temporary housing and other settlement benefits.

138. The Committee also notes the significant degree of autonomy granted to the Sami people, which is evident in the existence of a parliament elected by the Sami, in their education and in their cultural and economic activities.

139. The Committee welcomes the Government's training policies to help the unemployed - particularly among young persons, the group which has been most affected by the economic recession - learn new skills to facilitate their return to the labour force.

### C. Factors and difficulties impeding the implementation of the Covenant

140. The Committee takes note of Sweden's reduced financial ability to continue its programmes of social security at the levels enjoyed in the past,

due in part to domestic structural adjustment and the effects of the global economic recession on the internal economic situation. The Committee notes that the recession has aggravated the levels of unemployment, especially among men and young persons.

141. The Committee also notes with concern the growing number of immigrants whose economic, social and cultural rights Sweden should endeavour to protect. The Committee further notes that the problems of this group are aggravated by their unfamiliarity with Swedish culture and language, which renders more difficult their ability to find gainful employment. The economic recession has unfortunately contributed to rising social tensions, which have been manifested in the rising number of cases of racism, xenophobia and segregation and which have sometimes resulted in violence.

## D. Principal subjects of concern

142. The Committee notes that many of the Government's social welfare programmes have been curtailed in response to the changed economic conditions. In this regard, the Committee notes with concern the adverse impact of the economic recession on the living conditions of the most vulnerable groups.

143. The Committee notes with concern the lack of information possessed by the Swedish Government in relation to the problems of child pornography and domestic violence against women. The Committee notes that the Government considers these to be serious problems and is concerned that the lack of statistical information on these problems prevents both the Committee and the Government itself from ascertaining the true extent of the problems and thus hinders efforts to combat them.

144. The Committee notes that the Government of Sweden has not ratified ILO Convention No. 103 (1952) on maternal protection in due course.

## E. Suggestions and recommendations

145. The Committee encourages the Government to continue to take adequate measures to ensure that the reduction of its social welfare programmes does not result in a violation of the State party's obligations under the Covenant. In this connection, the Committee recommends that particular attention be paid to fighting unemployment and to ensuring the same degree of welfare for all segments of Swedish society, as well as to speeding up the social integration of immigrants.

146. The Committee urges the Government to intensify its efforts to combat child pornography and domestic violence against women, as well as its measures for monitoring and registering all such cases. It draws attention to the need to ensure the imposition of appropriate penalties for such offences.

147. In view of the importance of maternity leave in the context of article 10 of the Covenant, the Committee encourages the Government in its stated intention to review its position with regard to ILO Convention No. 103.

148. The Committee welcomes the delegation's offer to provide additional written responses to the issues raised but not fully addressed during the consideration of the report, particularly regarding the status of the Covenant

in domestic law and, in relation to cases where the Covenant was invoked in a court of law, the results of such cases. The Committee also looks forward to receiving information regarding the status of immigrants and the Government's efforts to combat discrimination and violence against them.

## SURINAME

149. The consideration of the initial report of Suriname on articles 1 to 15 of the Covenant (E/1990/5/Add.20), which the Committee had begun at its eleventh session, in December 1994, was resumed at the 13th, 15th and 16th meetings on 9 and 10 May 1995, since it had not been possible at the previous session to clarify fully a number of serious concerns about the implementation of the Covenant. Having considered the report of Suriname, the Committee, at its 27th meeting on 18 May 1995, adopted the following concluding observations.

### A. Introduction

150. The Committee expresses its appreciation for the initial report, which was largely drafted in accordance with the Committee's guidelines, and for the supplementary information provided orally by the delegation representing the State party during the consideration of the report. The Committee welcomes the dialogue established with the State party, which, though realized after some delay, it considers to have been frank and highly constructive in enabling the Committee to gain a clear understanding of the extent of the State party's compliance with the International Covenant on Economic, Social and Cultural Rights. At the same time, the Committee regrets that it did not receive written replies to the questions contained in its list of issues. It further notes that some of these questions remain unanswered.

### B. Positive aspects

151. The Committee welcomes the signing of the 1992 Peace Accord, which ended the armed conflict in the interior region of the State party, and the subsequent disarming of the paramilitary groups involved in the conflict.

152. The Committee welcomes the special consideration accorded to human rights in the Constitution of Suriname and the accession by the State party to a number of international human rights instruments. In this connection, it takes note of the economic, social and cultural rights enumerated in chapter 6 of the Constitution.

153. The Committee welcomes the establishment of the National Institution for Human Rights, which is authorized, inter alia, to draft and submit reports to the various international monitoring bodies, to study international standards and legislation, to promote international cooperation and to investigate complaints of alleged violations in the area of civil and political rights. The Committee also welcomes the establishment of the National Women's Bureau within the Ministry of Internal Affairs, to promote the human rights of women.

154. The Committee welcomes the Government's active efforts to reconstruct and further develop the national economy, including the Structural Adjustment

Programme being implemented since 1993. It notes with appreciation that the programme contains a social safety component developed to protect the most economically vulnerable groups.

## C. Factors and difficulties impeding the implementation of the Covenant

155. The Committee notes with deep concern the economic crisis faced by the State party due in part to the deterioration of the terms of trade for its principal export, bauxite, and the ensuing phenomena of inflation and recession. The Committee is concerned that the prolonged economic crisis has given rise to high levels of structural unemployment and is limiting the Government's ability to implement programmes that ensure the promotion and protection of economic, social and cultural rights in the State party, especially its ability to implement fully those provisions of the 1992 Peace Accord concerning the development of the interior of the country. The Committee acknowledges that such financial constraints may create difficulties with respect to the consolidation of democracy following the signing of the Peace Accord. The Committee notes that some important external assistance, such as vaccination services from PAHO/WHO, have been suspended due to the State party's inability to pay its contributions to international organizations that provide such services.

156. The Committee notes with concern that women in Suriname still do not fully enjoy their economic, social and cultural rights, due in part to traditional customs and attitudes towards women. This situation manifests itself, among other ways, in the form of violence against women and discrimination in employment.

157. The Committee is further concerned about the Government's inability to collect relevant data on the level of enjoyment of economic, social and cultural rights in the State party. In this regard, the Committee regrets the lack of statistics on the standards of living enjoyed by various sectors and especially the most vulnerable groups identified by the Government in its report, the lack of information on working or abandoned children and homeless persons, and the lack of information on the nature and volume of activity in the informal sector.

## D. Principal subjects of concern

158. The Committee notes with concern the inconsistent protection of the rights of workers, depending on their membership in trade unions. It notes in this regard that workers who are not covered by collective bargaining agreements are not guaranteed a minimum wage, are not covered by occupational safety clauses and receive little or no protection in the event of illness. In the case of women workers, the Committee notes that women who are not members of trade unions receive little or no maternity benefits and may be dismissed if they become pregnant. The Committee is further concerned about the inadequate protection of immigrant workers.

159. The Committee notes the inconsistency in the fact that, while young persons in Suriname attain majority at the age of 21, men may marry from the age of 15 and women from the age of 13. The Committee notes with concern that the difference in the marriageable ages for men and women does not appear to

conform with the provisions of articles 2 and 10 of the Covenant, or to be compatible with articles 2 and 3 of the Convention on the Rights of the Child, to which Suriname is also a State party. Moreover, the Committee expresses its deep concern about the possibility under Surinamese law that a marriage partner may be appointed without his or her consent, which in general appears to affect women disadvantageously more often than men.

160. The Committee is concerned that social assistance to the poor is administered on a discretionary basis, which creates the possibility of unequal protection of the poor. Moreover, the Committee is concerned that, even when provided with social assistance, many disadvantaged persons receive inadequate amounts, and that those whose incomes are slightly above the official subsistence minimum do not receive any help at all from the social assistance programmes. The Committee considers that the subsistence minimum requires revision and that, as it presently stands, it excludes many persons genuinely in need of assistance.

161. The Committee notes with concern the inadequacy of housing available in Suriname, especially in the interior where many internally displaced persons are situated. It notes with concern the Government's inability to implement its housing policy for the poorest sectors.

162. The Committee views with grave concern the problem of malnourishment of children in Suriname, which has been aggravated by the economic crisis. It is also concerned about the high mortality rates among children in the refugee camps and the inadequate education provided to these children. It further notes with concern the declining levels of vaccination coverage among the population.

163. With regard to education, the Committee notes that education is provided only in Dutch, the official language of Suriname. It regrets that no efforts are being made by the Government to promote the use of Sranan Tongo, which is spoken by most Surinamese, or to preserve the native languages of the various indigenous groups. The Committee is further concerned that education provided in Dutch only may serve as a contributing factor to the high incidence of school drop-outs.

## E. Suggestions and recommendations

164. The Committee recommends that the Government initiate programmes to educate the public so that traditional customs and attitudes that are discriminatory towards women are gradually modified and abolished. At the same time, the Committee urges the Government to ensure that all legislation is applied in a non-discriminatory manner and that laws which clearly discriminate against women are abolished. It particularly recommends that the laws permitting persons to marry without the acknowledgement or consent of the partner be abolished, that the problem of violence against women be legally addressed, and that general legislation regarding maternal benefits be enacted and enforced.

165. The Committee recommends that legislation be enacted to protect workers who are not covered by collective bargaining agreements, in order to ensure them a minimum wage, health and maternal benefits, safe working conditions,

and other guarantees that meet international standards for conditions of work. In this connection, the Committee recommends that assistance from ILO be sought. Furthermore, the Committee encourages the Government to extend such protection also to immigrant workers.

166. The Committee recommends that the Government seek assistance for the collection of data and the compilation of statistics regarding the level of enjoyment of economic, social and cultural rights. It recommends that information be collected on an ongoing basis regarding working or abandoned children, homeless persons and the most vulnerable groups identified by the Government in its report, and suggests that the National Institution for Human Rights be specially mandated to undertake research on this topic as well as on the realization of economic, social and cultural rights in Suriname in general. In this connection, the Committee recommends that assistance be sought from the technical cooperation services of the Centre for Human Rights.

167. The Committee recommends that definite criteria be established for the administration of social assistance to the poor so as to protect the lowest-income groups. The Committee further recommends that the Government undertake a redefinition of the official subsistence minimum so that all disadvantaged persons genuinely in need receive an adequate level of assistance.

168. The Committee recommends that the Government seek international assistance with regard to the problem of malnutrition and declining vaccination coverage among the population.

169. The Committee recommends that the Plan of Action in favour of the population in the interior of the country that is provided for in the 1992 Peace Accord be implemented to the best of the Government's ability. In particular, the Committee recommends that special attention be given to laying an infrastructure and providing basic facilities in the interior, particularly houses for persons displaced during the recent internal armed conflict.

170. With regard to education, the Committee recommends that the Government consider promoting the use of Sranan Tongo in schools and elsewhere and make efforts to preserve the native languages of indigenous groups. It further recommends that the Government undertake investigations into the phenomenon of school drop-outs.

171. The Committee recommends that information be collected on the nature and volume of activity in the informal sector, which may prove to be an important factor in the Government's efforts to revive the national economy. Assistance may be sought in this regard from international agencies, including UNDP, the World Bank, the Inter-American Development Bank, and other organizations involved in this area.

172. The Committee looks forward to receiving from the State party a more comprehensive second periodic report, updating the initial report and including also detailed information and relevant statistics on the questions raised but not fully addressed at the present session.

## Thirteenth session

### COLOMBIA

173. The Committee considered the third periodic report of Colombia on articles 1 to 15 of the Covenant (E/1994/104/Add.2) at its 32nd, 33rd and 35th meetings on 21 and 22 November 1995 and, at its 54th meeting on 6 December 1995, adopted the following concuding observations.

### A. Introduction

174. The Committee welcomes the periodic report submitted by Colombia, which largely complies with the guidelines for the preparation of reports. The written responses to the list of issues submitted to the Government, as well as the report of the Defensoría del Pueblo de Colombia (Ombudsman), were also informative and helpful to the Committee. The competence and frankness of the Government's representatives, as well as their willingness to respond to all the questions put by members of the Committee, were also appreciated. Lastly, the Committee welcomes the information provided by non-governmental organizations, as well as the stated willingness of the Government to continue the dialogue with them.

### B. Positive aspects

175. The Committee notes with satisfaction the status of international human rights instruments in domestic law, the human rights provisions contained in the 1991 Constitution and the extensive programme of legislative reform aimed at improving respect for human rights and ensuring effective procedures of redress for violations of fundamental rights. It also takes note of the intention of the Government to ratify the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador).

176. The Committee welcomes the establishment of the Office for Human Rights and of the Defensoría del Pueblo (Ombudsman) as well as the commission mandated to follow up the international recommendations addressed to the Government of Colombia, and hopes that, in its next report, the Government will provide a detailed account of the activities and progress made by those bodies, as well as of the role played by the tutela mechanism established by the 1991 Constitution for the protection of economic, social and cultural rights.

177. The Committee takes note of the adoption of the Development Plan for the period 1994-1998 - the "Social Leap" - and acknowledges the efforts made by the Government to respond to the acute social problems affecting the country. Although aware of the persistence of these problems, it commends the Government's programmes to improve the social welfare system, enhance access to education, promote the rights of indigenous peoples and improve care for the homeless, particularly street children.

178. The Committee welcomes the Government's determination to respond to the problem of violence against women by reviewing relevant provisions of the criminal law and by improving its programmes on behalf of women. It also

notes with satisfaction that Colombia intends shortly to ratify the 1994 Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará).

## C. Factors and difficulties impeding the implementation of the Covenant

179. The Committee notes with concern the persistence of a climate of wide-scale violence in Colombia, especially in the Uraba region. This factor seriously destabilizes the country and impedes the Government's efforts to ensure to all the full enjoyment of economic, social and cultural rights. The Committee notes that such violence is in part brought about by serious inequalities in society, such as enormous disparities in the distribution of national wealth, including land ownership.

180. The Committee notes that the frequent recourse to the establishment of a state of emergency has adverse repercussions on the enjoyment of economic, social and cultural rights in Colombia.

## D. Principal subjects of concern

181. The Committee is seriously concerned about the persistence of a high level of poverty affecting the majority of the country's inhabitants. In particular, the Committee notes with concern that Colombia's infant mortality rate is one of the highest in South America. While recognizing the Government's efforts to redress the situation, the Committee emphasizes that it is anomalous that such levels of poverty should persist in a country with a steadily expanding economy. The Committee expresses its concern at the disappointing results achieved by most programmes to combat poverty and improve living conditions, especially since funds allocated in the budget for social expenditures have not been fully used for that purpose.

182. The Committee emphasizes the considerable importance of the problem of displaced persons, estimated at approximately 600,000. Hundreds of thousands of peasants have been uprooted and forced to migrate to the cities, where they swell the numbers of slum dwellers and are in effect unable to satisfy their most basic requirements. The primary reason for these displacements is the high level of violence in certain regions of the country.

183. The Committee stresses its concern at the existence of a high number of abandoned children, or street children, deprived of all their rights (family environment, education, health, housing, etc.). The Committee is concerned by the fact that the "Community Mothers Programme" designed to help the children is insufficiently funded, bearing in mind the important social work accomplished by these women, without appropriate training and work conditions.

184. The Committee is concerned that the Government's action is not sufficiently energetic to eradicate the odious practice of so-called "social cleansing", by which some criminal groups threaten and kill persons whom they consider disposable, including children.

185. The Committee is concerned to note that the rule of law appears to have completely broken down in the Uraba region, and in particular that the State no longer ensures the provision for the community of the most basic social, educational and health services.

186. The Committee expresses concern about the extensive discrimination against women. For example, it is noted that the wages of women are on average 30 per cent lower than those of men.

187. The Committee notes with concern the drop in the real value of wages. According to a report of the Defensoría del Pueblo, in March 1995, 23.8 per cent of the active population, in the seven principal towns of the country, received the minimum legal wage (approximately US$ 135) and 64.2 per cent received less than twice the minimum legal wage. Thus some 75 per cent of workers cannot afford to fill the "family basket", which costs two and a half times the minimum legal wage.

188. The Committee is seriously concerned about the violation of the right of many workers to form and join trade unions and to participate in collective bargaining and strike action. The Committee considers that the restrictions placed by law on the right to strike are far too extensive and cannot be justified by reasons of national security or public order. It regrets that the present tripartite commission for trade union development does not have a mandate to consider these grave matters.

189. The Committee is concerned at the high rate of child labour, particularly in arduous and unhealthy occupations (such as brick making and mining), and at the insufficient action taken by the Government to combat this practice.

190. The Committee notes that the implementation and monitoring of health and safety measures in the workplace have not reached the desirable level, due, *inter alia*, to the insufficient number of labour inspectors.

191. The Committee notes with concern that there is a considerable shortfall in housing, amounting to 3.7 million units, and that many inhabitants live in precarious conditions in housing which does not correspond to the definition of adequate housing under article 11 of the Covenant and as detailed by the Committee.

192. The Committee notes that, despite a series of governmental initiatives, effective access to education is limited in Colombia. The Committee is particularly concerned that universal primary education, as provided for in the Covenant, is not yet attained. It is also concerned about the decline in the quality of secondary education and about the work situation of teachers.

## E. Suggestions and recommendations

193. The Committee recommends that the Government, through its economic development programmes and a modification of the tax and fiscal system, now under consideration, address the problem of the inequitable distribution of wealth, with the object of effectively combatting the poverty that characterizes the country. The Committee also recommends concerted efforts to improve the efficiency of Colombia's economic and social development programmes.

194. The Committee recommends that the Government continue to give priority to efforts to relieve the plight of indigenous communities, displaced persons, the homeless, and other persons living on the margins of society. The Committee urges the Government to ensure that these persons' most basic needs are addressed, irrespective of any long-term strategy.

195. The Committee is of the view that the phenomenon of so-called "social cleansing" has not been eradicated and it recommends the utmost vigilance in this regard, in particular the punishment of the perpetrators of such crimes. The Committee also recommends that the root causes of this phenomenon be addressed with all means available to the Government.

196. The Committee urges that greater attention be given to the problem of discrimination against women and that programmes be implemented for the eradication of inequalities between men and women. Such programmes should, at the same time, aim to raise public awareness and interest in the economic, social and cultural rights of women.

197. The Committee recommends that the Colombian Government adopt all necessary measures to harmonize in practice its legislation on trade union freedom and collective bargaining with its international obligations in this regard.

198. The Committee also recommends that the Government take all necessary steps to ensure for all the right to free primary education. It further recommends that the Government take measures to improve the quality of secondary education and the material conditions of teaching staff.

199. The Committee recommends that human rights education be provided at all education levels, particularly in primary education, and also in the training of police officers, members of security and armed forces, magistrates and judges.

200. The Committee also considers that the Colombian Government should:

(a) improve the training of "community mothers" and regularize their work situation, treating them for all purposes as workers in the employ of a third party;

(b) combat the practice of non-utilization of budget items earmarked for social expenditure in the State's overall budget and ensure that such appropriations are used for the purposes for which they were budgeted;

(c) improve the supply of housing, especially low-cost housing for the benefit of the poorest sectors, in urban areas and also in rural areas, and allocate resources to provide the entire population with drinking-water and sewerage services.

201. The Committee considers that it would be desirable to improve the system of social statistics collection based on relevant indicators, to ensure that the Government and all institutions concerned can objectively assess the problems and progress made in the area of economic, social and cultural rights.

202. The Committee recommends that Colombia make the best possible use of the technical assistance available to it from the United Nations Centre for Human Rights in cooperation with United Nations bodies and the appropriate specialized agencies, with a view to promoting the enjoyment and protection of economic, social and cultural rights for all.

## NORWAY

203. The Committee considered the third periodic report of Norway on articles 1 to 15 of the Covenant (E/1994/104/Add.3 and HRI/CORE/1/Add.6) at its 34th, 36th and 37th meetings on 22 and 23 November 1995 and, at its 55th meeting on 6 December 1995, adopted the following concluding observations.

### A. Introduction

204. The Committee expresses its satisfaction with the very comprehensive and detailed report of the State party, which follows closely the Committee's guidelines regarding the form and content of reports, as well as with its written answers to the list of issues raised.

205. The Committee also wishes to express its appreciation for the frank and constructive dialogue which it has had with the delegation of Norway.

### B. Factors and difficulties impeding the implementation of the Covenant

206. The Committee finds that there are no significant factors and difficulties which prevent the effective implementation of the Covenant in Norway.

### C. Positive aspects

207. The Committee notes with appreciation the high level of achievement of Norway in the fulfilment of its obligations regarding the protection of the rights guaranteed in the Covenant.

208. The Committee takes note of the statement of the delegation to the effect that a bill will be presented by the Government to the Storting which, as a follow-up to the recently adopted article 110 (c) of the Constitution, will incorporate the International Covenant on Economic, Social and Cultural Rights into the Norwegian legal order, together with the International Covenant on Civil and Political Rights and the European Convention for the Protection of Human Rights and Fundamental Freedoms.

209. The Committee commends Norway for its regular participation in multilateral development cooperation programmes, as well as for the setting up of a number of bilateral programmes, thus contributing to the realization of economic, social and cultural rights in other countries.

210. In relation to the emerging trend towards intolerance and violence against members of minority groups and foreigners, in particular asylum seekers and migrant workers, the Committee welcomes the adoption by the Ministry of Local Government and Labour of a plan of action which provides,

inter alia, for the development of indicators for measuring racial discrimination and improving the collection of statistical data concerning racial violence and harassment.

211. The Committee commends the devolution of responsibility to the Sami Assembly with regard to matters relating to the preservation and development of the culture of the members of the Sami community, and notes with appreciation that the Sami language may be used in contacts with public bodies and before the courts.

212. The Committee welcomes the adoption of the policy and the specific steps taken by the Government with a view to integrating persons with disabilities into the labour market by offering them active vocational rehabilitation measures rather than passive social security benefits.

213. The Committee welcomes the Government's policies to combat unemployment, particularly long-term unemployment and unemployment among young people, through job-creation and qualification schemes, and through close cooperation with employers' and employees' organizations.

214. The Committee expresses its satisfaction with the Norwegian social security system, which ensures that all persons resident or working in Norway are insured under the National Insurance Scheme and that all residents are covered by the Family Allowance Act.

215. The Committee commends the efforts undertaken by the authorities to tackle the problem of domestic violence and child abuse and, in this respect, welcomes the setting up of crisis centres, crisis-telephone lines and support centres to help victims.

216. The Committee notes that, as a measure to ensure the access of everyone to health services, the Government has made it an obligation for newly graduated doctors and dentists to serve one year in public health institutions in certain isolated parts of Norway.

217. With regard to the protection of the health of minors, the Committee takes notes with appreciation of the policies aimed at fighting alcoholism and smoking, particularly discouraging minors to have access to alcoholic beverages and tobacco products.

218. The Committee welcomes the National Geriatric Programme aimed at strengthening geriatric services throughout the country, through the recruitment of specialized personnel and improvement of the cooperation between hospitals and community geriatric-care services.

219. The Committee welcomes the policy of integration of children with disabilities within the regular educational system, as well as the results thus attained.

220. The Committee welcomes the introduction of courses relating to human rights, in particular on the Universal Declaration of Human Rights, in the curricula of civics and social studies.

221. With regard to the promotion of human rights, the Committee commends the activities of the Norwegian Institute for Human Rights, such as the organization of seminars, teaching in universities, the conducting of research, the publishing of books and periodicals, and the provision of advice and information material to the public at large, both nationally and internationally.

### D. Principal subjects of concern

222. The Committee regrets the lack of statistical information gathered by the Norwegian Government with regard, in particular, to domestic violence and child abuse, a situation which may hinder the efforts of the Government to take the exact measure of these problems and thus combat them efficiently.

223. The Committee is concerned that, although it is effective in the law, equality between men and women, especially with regard to remuneration, is not yet fully achieved in practice, and that women still experience more obstacles than men in advancing to higher professional positions.

224. The Committee expresses its concern about the provisions in the Labour Disputes Act enabling the Government, with the agreement of the Storting, to end a strike by the enactment of a bill imposing compulsory arbitration, even though the Government has only very seldom made use of this power.

### E. Suggestions and recommendations

225. The Committee encourages the Government to collect statistical data on domestic violence and child abuse to identify the magnitude of these negative phenomena, and thus to ensure that the rights of the affected persons are fully protected in accordance with the provisions of the Covenant.

226. The Committee recommends that the Government intensify its efforts to ensure that equality between men and women, in particular with regard to labour matters, is effective in practice.

227. The Committee recommends that, in the process of revising the Labour Disputes Act, the need to protect the right to strike be fully taken into account.

## MAURITIUS

228. The Committee considered the initial report of Mauritius on articles 1 to 15 of the Covenant (E/1990/5/Add.21) at its 40th, 41st and 43rd meetings on 27 and 28 November 1995 and, at its 55th meeting on 6 December 1995, adopted the following concluding observations.

### A. Introduction

229. The Committee welcomes the comprehensive initial report of the State party, prepared in accordance with its revised general guidelines, which was submitted shortly after substantive concluding observations were adopted by the Committee in May 1994. The Committee recalls that, prior to this, Mauritius had not fulfilled its reporting obligations under articles 16 and 17 of the Covenant since it became a State party on 3 January 1976. In the

continued absence of the report, the Committee proceeded at its tenth session to consider the state of implementation by Mauritius of the economic, social and cultural rights contained in the Covenant.

230. The Committee thanks the State party for the written response to the list of issues and for the additional information provided by the delegation during its open and constructive dialogue with the Committee.

### B. Factors and difficulties impeding the implementation of the Covenant

231. The Committee considers that, notwithstanding the geographical isolation of the island of Rodrigues and the consequent logistical problems in the delivery of basic government services, a fact which is a considerable impediment, the Mauritian Government is still under the obligation to ensure the enjoyment by the population of Rodrigues of its economic, social and cultural rights.

### C. Positive aspects

232. The Committee commends the positive reaction by the State party to the concluding observations referred to in paragraph 229 above, which have been taken into account in introducing changes in Mauritian law. In particular it welcomes the amendments in August 1995 of Section 16 of the Constitution of Mauritius, which now prohibits discrimination on the basis of gender in addition to "colour or creed", and of the Citizenship Act of 1968, removing gender discrimination in relation to foreign spouses of Mauritians.

233. The Committee notes with satisfaction the repeal of the 1984 Newspaper and Periodicals Act, which had hindered the freedom of expression regarding the Government's policies, including in the sphere of economic, social and cultural rights.

234. The Committee appreciates the measures being taken by the State party to improve legislation in the field of mental health and physical disability.

235. The Committee notes with satisfaction that the continuing economic growth in Mauritius has been accompanied by considerable achievements in human development, a fact already noted in the concluding observations of May 1994. The statistical profile on socio-economic indicators reflects a positive assertion of the avowed commitment by the Government to ensure better education, health and nutrition and a cleaner environment, to improve the quality of life, and to promote equality.

236. The Committee notes with appreciation the readiness of the State party, as expressed by the delegation, to continue constructive dialogue and cooperation with the Committee, with a view to ensuring the effective implementation of the provisions of the Covenant.

### D. Principal subjects of concern

237. The Committee reiterates its concern that, despite encouraging developments in legislation, women in Mauritius continue to occupy a subordinate role in society affecting their full enjoyment of economic, social

and cultural rights, particularly in the area of equal pay for men and women. In the agricultural sector for example, the Committee is not satisfied with the explanation of "differentiation but not discrimination" proffered by the delegation of Mauritius.

238. The Committee expresses its concern regarding the uncertain situation of foreign workers, and at the inability of the Government to ensure their rights as set forth in the Covenant, in particular in articles 6, 7 and 9.

239. With regard to article 8 of the Covenant, the Committee reiterates its concern as to the adverse effects of the Industrial Relations Act of 1973, which is still in force, on trade union rights and the right to strike. The Committee notes with concern that the Trade Union and Labour Relations Bill proposed in 1994, far from following the recommendations of the Special Law Review Committee, appears to be even less favourable to the exercise of these rights and was thus rejected by the entire trade union movement of Mauritius. The same observation applies to the proposed National Pay and Productivity Council Bill.

240. The Committee expresses grave concern at the reported rise in child abuse, child prostitution, domestic violence against women, teenage pregnancy, abortion, suicide, and alcohol and drug abuse. The Committee regrets the apparent absence of Government information and statistics on these matters, in spite of assurances from the delegation that further information will be sent in writing very soon.

241. The Committee expresses its regret that the State party has failed to disseminate public information concerning human rights in general, and the International Covenant on Economic, Social and Cultural Rights in particular. In addition, it notes with concern the absence of human rights education in all school curricula.

### E. Suggestions and recommendations

242. The Committee encourages the Government to pursue its current efforts to eliminate discriminatory practices against women and to ensure in the practical application of the new laws the full enjoyment of their economic, social and cultural rights.

243. The Committee recommends a review of the situation of foreign workers to ensure the same protection enjoyed by Mauritian nationals, in particular with regard to articles 6, 7 and 9 of the Covenant.

244. The Committee recommends that the revised industrial relations legislation to be proposed in the near future should take into account the report of the Special Law Review Committee and effectively enable the exercise of trade union rights, particularly the right to strike in conformity with the obligations which Mauritius has undertaken in this regard.

245. The Committee recommends an in-depth study and analysis of the situation of child abuse, child prostitution, domestic violence against women, teenage pregnancy, abortion, suicide, and alcohol and drug abuse, and of how the State party can best protect and ensure the economic, social and cultural rights of

the population of Mauritius affected by those problems. In this regard, the State party should, inter alia, initiate efforts to gather statistics and other information relevant to the situation.

246. The Committee recommends that the Government of Mauritius adopt without delay an intensive and systematic public information campaign on human rights in general, and on the International Covenant on Economic, Social and Cultural Rights in particular.

247. The Committee recommends that steps be taken to incorporate human rights education in all school curricula, in accordance with the goals and objectives of the United Nations Decade for Human Rights Education.

## UKRAINE

248. The Committee considered the third periodic report of Ukraine on articles 1 to 15 of the Covenant (E/1994/104/Add.4) at its 42nd, 44th and 45th meetings on 28 and 29 November 1995 and, at its 57th meeting on 7 December 1995, adopted the following concluding observations.

### A. Introduction

249. The Committee welcomes the third periodic report submitted by Ukraine, the first to be considered by the Committee since the State party achieved independence in 1991. The Committee notes with satisfaction that the report complies with its revised general guidelines for the preparation of reports and was well complemented by the written answers presented in response to the Committee's list of issues. It further takes note of the detailed oral answers to its questions by the delegation headed by the Minister of Labour of Ukraine. The Committee expresses its appreciation for the frank responses and willingness of the State party to provide additional information as requested by the Committee.

### B. Positive aspects

250. The Committee welcomes the legislation passed in recent years, including the Ukrainian Act on State Succession, the Act on the Effect of International Agreements on Ukrainian Territory, the Declaration on the Rights of Nationalities of the Ukraine, all adopted in 1991, and the Act on Ukraine's International Treaties of 1993. According to these laws, the international human rights instruments to which Ukraine is a party constitute an integral part of national law. The Committee further welcomes the recent establishment of the National Centre for Human Rights, which should work closely with international and national human rights organizations and institutions.

251. The Committee notes the progress achieved towards securing representation for the Crimean Tatars in the Parliament of the Autonomous Republic of Crimea and the modest success in reintegrating them into the region.

252. On the right to employment, the Committee notes with satisfaction the efforts made by the Government to help the unemployed find new employment by establishing the State Employment Service, whose tasks are to provide them with guidance and training, as well as with material assistance.

253. The Committee welcomes the substantial budgetary allocation to social protection. It notes with satisfaction the social security legislation introduced to protect pensioners, children, persons with disabilities and others unable to care for themselves, and it further takes note of the fact that the mechanisms to distribute benefits were established in time to help the needy prepare for the last winter season. It welcomes the provision of special subsidies to allow persons living in poverty to satisfy their basic needs and to make it possible for certain vulnerable groups to meet their payment obligations towards communal services and housing. It views with satisfaction that the elderly continue to benefit from free transportation and other special social services. It also welcomes the attention given to mothers with young children and to single mothers.

254. The Committee notes the efforts made by the Government and the institutions concerned to ensure health services to all and to fight the nefarious health consequences of the Chernobyl nuclear power plant accident of 1986.

255. The Committee views with satisfaction the general success in maintaining compulsory free primary education in the State party. It also expresses satisfaction with the efforts made to ensure enjoyment of cultural rights, including the considerable proportion of the national budget allocated to culture.

256. The Committee views with satisfaction the fact that the Government has been making effective use of international assistance provided in connection with the grave effects of the Chernobyl nuclear accident and to overcome current economic difficulties.

## C. Factors and difficulties impeding the implementation of the Covenant

257. The Committee notes that the State party is passing through an extremely turbulent period in its existence due to the deep political, economic and social reforms it is undertaking, consequent to its recent constitution as an independent State. The difficulties encountered are aggravated by the legislative vacuums that exist in many areas. The Committee notes that the elections for Parliament have not been completed and that a new draft constitution has not been adopted. Until new legislation is adopted, many of the laws in force in Ukraine as part of the former USSR continue to apply, unless found to be in direct contradiction with its new laws.

258. The Committee notes that the immediate costs of economic transition in Ukraine have included a steep decline in national production, a balance-of-payments deficit and uncontrollable inflation over the past several years. It notes in this connection that the State party is highly dependent on foreign energy supply. The dramatic rise in price for energy imports since independence has induced an enormous increase in the domestic price index. The Committee also notes that efforts to privatize public enterprises have already led to rising levels of unemployment, although, at present, economic reforms are only at the initial stages. Having in mind the experience of other countries in the region, the Committee is aware that a full transition to a market economy in Ukraine will require much time and a radical change in economic and social concepts and behaviour.

259. At the same time, the Committee notes that a large number of individuals who were deported in different parts of the former USSR are returning to their places of origin in Ukraine and are seeking jobs and shelter. Solving these problems puts further strain on resources at the disposal of the Government and will demand special attention from the authorities.

260. Finally, it appears that the Government has been unable to establish mechanisms for comprehensive data collection. The Committee notes that the population data presented to it date back to a 1989 census and draws the attention of the Government to the fact that such outdated or insufficient data would not serve as a good basis for government policy.

## D. Principal subjects of concern

261. The Committee expresses its concern at the sharp decline of purchasing power of the great majority of the population and the subsequent deterioration of its standard of living due to the overall unfavourable evolution of the economic situation in Ukraine.

262. The Committee calls attention to the difficulties experienced by members of minority groups, including the Crimean Tatars, who were deported decades ago and are now returning to resettle in Ukraine on the land of their ancestors. The Committee considers that the failure to resolve the question of citizenship for the Crimean Tatars is not in conformity with the State party's obligations under the Covenant. In particular, the Committee is concerned that the consequent exclusion of such persons from certain social indicators, such as those on employment and poverty, may deprive them of the full enjoyment of their economic, social and cultural rights. In this connection, it recalls the provisions of article 2 of the Covenant, which states that the rights enunciated in the Covenant must be exercised without discrimination of any kind as to, inter alia, national or social origin.

263. The Committee expresses grave concern at the lack of practical measures aimed at creating adequate working conditions for women and at eliminating discrimination against them. The Committee is concerned about the possible discriminatory effects of imposing different retirement ages for men and women, particularly in market economies where one's standard of living and professional fulfilment depend largely on one's employment. In this light, the current national debate in which the maintenance of varying retirement ages is contemplated is a subject of concern. The Committee is concerned at the violence perpetrated against women, the generally low professional qualifications of women and their consequently high representation among low-paid workers and the unemployed. In this connection, it considers that the Government and the authorities as a whole have not made all necessary efforts to understand and face the phenomenon of discrimination, by collecting and analysing relevant data, by trying to eliminate the phenomenon through legislative measures and education, and by providing protection to victims of discrimination and violence against women.

264. The Committee is concerned at the excessive number of industries and other employment activities in which organization of trade unions is prohibited. Workers in civil aviation, communications and other sectors are subject to such prohibition. In this connection, the Committee takes note of

the draft law which would restrict the sectors under prohibition to those in which a cessation of operation would disrupt the whole economy or threaten national security or public order.

265. The Committee regrets the lack of data on the situation of children, particularly orphans and those with disabilities, which may cause ineffective monitoring of their enjoyment of economic, social and cultural rights.

266. The Committee notes with concern that social services are not adequate to ensure a minimum standard of living for the most vulnerable groups, including pensioners, unemployed persons, persons with disabilities and non-citizens.

267. Attention is called to the fact that the official minimum wage is far below the level of the official poverty line. The Committee regrets the lack of information on the extent to which inflation is taken into account in determining the poverty line and the level of pensions or material assistance provided to these groups.

268. The Committee recalls that fulfilment of the right to education involves an obligation for the Government to provide free primary education for all, including children with disabilities and children assigned to homes or institutions. The Committee regrets the absence of information regarding human rights education.

## E. Suggestions and recommendations

269. The Committee recommends that the international human rights instruments to which Ukraine is a State party, including the International Covenant on Economic, Social and Cultural Rights, be made fully applicable by Ukrainian courts. Steps towards this end would include making the instruments widely known so that the general public as well as law enforcement officials are made aware of the rights contained therein.

270. The Committee recommends that, in its next periodic report, the Government include detailed information on the mandate and operation of the National Centre for Human Rights. Such information should include, in particular, whether individual complaints of human rights violations may be lodged with the Centre and whether its mandate includes the protection and promotion of economic, social and cultural rights.

271. The Committee recommends that the civil status of repatriated members of minorities, especially the Crimean Tatars, be regularized as soon as possible. It recommends that steps be taken immediately to reintegrate them fully into the region and to guarantee their rights to work and to an adequate standard of living, as defined in articles 6 and 11 of the Covenant. The Committee recommends that every effort be made in order to obtain international assistance towards this end.

272. The Committee recommends that specific legislative measures be taken to prohibit all forms of gender-based discrimination and that efforts be made, including through the educational system, to promote awareness and

understanding of the human rights of women. It further recommends the establishment of institutions to provide protection and assistance to victims of violence and discrimination.

273. The Committee recommends that, in its next report, the Government include information on any developments regarding the new legislation regulating trade unions rights, including the right to strike.

274. The Committee urges the Government to elaborate, as part of the preparatory work for the 1996 United Nations Conference on Human Settlements (Habitat II), a comprehensive national plan of action with respect to housing and to make it available to the Committee, along with information on its subsequent implementation, in time for the consideration of Ukraine's fourth periodic report. In this connection, the Committee recommends that the next report also include detailed information on the 1992 State Privatization Act, as well as any other housing laws that might be enacted in the meantime, and on their impact on the enjoyment of the right to adequate housing by the people of Ukraine.

275. The Committee recommends that the Government continue to make full use of international assistance in the collection and analysis of data in general, including data regarding the most vulnerable groups of persons, and in addressing their needs. Such categories of persons include pensioners, the unemployed, children with disabilities and children assigned to homes or institutions, members of repatriated minority groups and victims of the Chernobyl accident. With regard to the latter group, the Committee urges that special assistance and medical care be further granted to the persons concerned and that special measures continue to be taken to clean the environment and to dispose of contaminated objects and consumable items with which people may come into contact.

276. The Committee recommends that steps be taken to incorporate human rights education in all school curricula, in accordance with the goals and objectives of the United Nations Decade for Human Rights Education, and that education in the field of human rights be provided to law enforcement officials.

277. The Committee suggests that the Government request the United Nations Centre for Human Rights to evaluate the assistance needs of Ukraine in order that the State party might draw on the technical assistance programmes available from the Centre, in particular for the Ukrainian National Centre for Human Rights.

## ALGERIA

278. The Committee considered the initial report of Algeria on articles 1 to 15 of the Covenant (E/1990/5/Add.22) at its 46th and 47th meetings on 30 November 1995 and at its 48th meeting on 1 December 1995 and, at its 58th meeting on 8 December 1995, adopted the following concluding observations.

## A. Introduction

279. The Committee thanks the State party for its initial report, for the written replies to the Committee's list of issues and for the quality of the dialogue with the Algerian delegation, whose open-mindedness and cooperation are appreciated.

280. The Committee notes that, despite the country's economic, social and security problems, the State party has submitted a detailed initial report on the constitutional and legislative provisions designed to protect and promote the economic, social and cultural rights of the inhabitants of Algeria.

## B. Positive aspects

281. The Committee notes with satisfaction that article 123 of the Algerian Constitution recognizes the Covenant's precedence over domestic law in the internal legal system. The Committee also welcomes the fact that the provisions of the Covenant may be directly invoked in the courts.

282. The specific commitments to human rights which the State party has made in recent years are also noted with satisfaction. They include the establishment in 1992 of the National Human Rights Observatory, the establishment of the Office of the High Commissioner for Amazighité (Berbers) in May 1995, the training of judges in human rights and the establishment of human rights professorships at the university level.

283. The Committee takes note of the statement by the delegation to the effect that the state of emergency in Algeria does not affect any of the rights guaranteed by the Covenant, particularly trade union freedom and the right to strike, which are guaranteed under Algerian law. The Committee also takes note of the fact that associations are flourishing and new trade unions have been formed.

284. The Committee expresses its satisfaction that efforts have been made to adopt a set of measures to promote job creation and attenuate the effects of structural adjustment for vulnerable groups. In particular, the recent establishment of a system of social protection ("safety net") for the unemployed is noted with appreciation. The Committee further notes with encouragement the Algerian Government's unswerving commitment to social protection and the statement in the Government's written replies that the proportion of the budget hitherto allocated to support of loss-making enterprises will be redirected towards the most disadvantaged groups in society.

285. The Committee takes note with satisfaction of the considerable progress in education achieved by the State party since independence and of the low school drop-out rate. The progress made in respect of education includes a steady and substantial increase in the rate of school attendance by girls. The Committee takes note with interest of the introduction of instruction in the Amazigh (Berber) language since the beginning of the 1995-1996 school year.

286. The Committee appreciates the fact that, despite difficult domestic conditions, the destruction of almost 600 schools (ECOSOC E/ICEF 1995 P/L.30)

and the danger teachers and students face every day, the latter are not discouraged from continuing to teach and study. The progress that Algeria has been making in respect of education despite these difficult circumstances must be appreciated and encouraged.

287. The Committee takes note of the statement by the delegation that the process of ratification of the Convention on the Elimination of All Forms of Discrimination against Women is under way.

288. The Committee notes with satisfaction that the Algerian authorities have begun to pay more attention to allocate greater resources for the construction of housing, particularly for low-income groups.

### C. Factors and difficulties impeding the implementation of the Covenant

289. The Committee notes that the implementation of the economic, social and cultural rights guaranteed by the Covenant has been seriously hampered by the grave economic crisis which the country is undergoing. The economy's heavy dependence on hydrocarbons, the foreign debt and the drought that has affected agriculture are recurring constraints which have an impact on the State budget and social spending.

290. The Committee also notes that the high population growth rate has led to a rapid increase in the number of job applicants, thereby increasing unemployment.

291. Lastly, the Committee notes that the acts of terrorism which are affecting the very heart of Algerian society are liable to impede its human development and its capacity for promoting the realization of economic, social and cultural rights.

### D. Principal subjects of concern

292. The Committee expresses its deep concern about the political turmoil in daily life in Algeria, which is impeding the full realization of the rights guaranteed in the Covenant.

293. The Committee is deeply concerned by the fact that the philosophy of the Covenant, based on the principle of non-discrimination and on the idea of the universality of human rights, has not fully taken root in Algerian society. Furthermore, many forms of discrimination against women, both in legislation and in everyday life, prevent women from exercising their economic, social and cultural rights.

294. The Committee also deplores the fact that such fundamental freedoms as the right to work, to education, to freedom of movement, and the right freely to choose a spouse are not fully guaranteed for Algerian women. The violence exercised against women in the family, and outside the family by fanatical groups, is of profound concern to the Committee. A husband's absolute right to keep the conjugal home in the case of divorce is a further subject of concern.

295. The Committee expresses its great concern at the high rate of unemployment, which, according to the information contained in the Government's written replies to the Committee's questions, could exceed 30 per cent in 1995. The Committee also notes that this rate is continually increasing.

296. The Committee notes with concern that family violence, of which women are the principal victims, continues to be a problem of society in Algeria, insufficiently addressed by the authorities in terms of either prevention or punishment. The Committee also deplores the fact that children born out of wedlock are subjected to de jure and de facto discrimination.

297. The Committee notes with concern the serious shortage of housing and the precarious conditions of accommodation of a substantial part of the population, which affects enjoyment of the right to adequate housing as provided for in the Covenant.

298. The Committee is concerned to note the high mortality rate among young girls in the 1-10 age group, which, as acknowledged by the Government, is due to the fact that better care is provided for boys.

## E. Suggestions and recommendations

299. The Committee, while being aware of the extremely difficult political and social context in which the Algerian Government is discharging its functions, considers it to be of the utmost importance that special attention be given to the problem of discrimination against women, in particular as it exists in legislation.

300. The Committee recommends that the radical economic reforms undertaken by the Government be continuously assessed in terms of the realization of the economic, social and cultural rights of all Algerians, and that special priority be given to the smooth application of social policies designed to counteract the adverse effects of structural adjustments.

301. The Committee recommends that extensive consciousness-raising campaigns be launched to prevent family violence. Adequate information should also be provided to the victims of such violence, with regard to their right to obtain compensation.

302. The Committee encourages the Algerian Government to pursue an energetic housing policy, so as to make progress towards the full realization of the right to adequate housing.

303. The Committee also requests the Government to take all necessary measures to ensure that girls are fully able to exercise their right to education and to mental and physical health. Such measures should be accompanied by the setting up of a data-collection system enabling their impact to be assessed.

304. The Committee recommends that measures be taken to include human rights instruction in school curricula, especially in primary schools, in conformity

with the goals and objectives of the United Nations Decade for Human Rights Education, and that those responsible for enforcing the law should be given instruction in human rights.

305. The Committee recommends that the State party's second periodic report contain more information regarding the effective implementation of the rights guaranteed in the Covenant. The Committee reminds the Government in this connection of the possibility of making use of the advisory services of the Centre for Human Rights, which offers training in the drafting of the reports required under international instruments.

## PANAMA

306. At its 39th meeting on 24 November 1995 and at its 58th meeting on 8 December 1995, the Committee, as a follow-up to its technical assistance mission to Panama, considered the information submitted by a number of non-governmental human rights organizations in Panama and adopted the following decision.

307. The report of the technical assistance mission sent to Panama from 15 to 22 April 1995 by the Committee on Economic, Social and Cultural Rights marked a new stage in relations between the Committee and one of the States parties to the International Covenant on Economic, Social and Cultural Rights. It marks a new point of departure in following up the policy of the Government of Panama in regard to housing.

308. The Committee welcomes the thrust of the programmes and measures adopted so far by the Government in regard to low-cost housing and the suspension of forced evictions, which were frequent under previous Governments.

309. The Committee consequently expresses surprise and concern at the decision taken by the President of the Republic on 14 August 1995 to exercise his right to veto the law establishing the minimum size of low-income dwellings and adopting other provisions. The law had been approved by the Legislative Assembly in response to the basic requirement to satisfy the concept of decent housing, solemnly recognized by the Government and in keeping with the provisions of the Covenant.

310. The grounds on which the President's veto was based seem to indicate an adverse change in social policy, since the purchasing power of the most disadvantaged groups and actual prices on the housing market are adduced as the principal arguments for considering that the establishment of a minimum size is contrary to national housing and urban development policy.

311. In this connection, the Committee considers that any social housing programme worthy of the name cannot simply be based on market forces, but must also take into account criteria which recognize the need to favour - even provide for - the basic needs of low-income groups, in particular their right to housing.

312. Lastly, the Committee remains concerned by the persistent conflicts between the indigenous communities and landowners in the Bocas del Toro province, for which a lasting settlement will not be found until the boundaries of the comarca of the Ngöbé-Buglé people are defined.

# Chapter VI

# DAY OF GENERAL DISCUSSION

## A. Eleventh session, 5 December 1994

## Human rights education and public information activities relating to the International Covenant on Economic, Social and Cultural Rights

### 1. Introduction

313. At its ninth session, in November 1993, the Committee held a discussion on the issue of human rights education. It took note, inter alia, of a letter addressed to it by the Assistant Secretary-General for Human Rights, emphasizing the importance of human rights education and enlisting the Committee's assistance in promoting action in accordance with the relevant provisions of the Vienna Declaration and Programme of Action. The Committee also took note of the fact that, at recent international conferences, including the International Congress on Education for Human Rights and Democracy, held at Montreal in 1993, suggestions had been made that the Committee should ensure that its reporting guidelines adequately reflected the importance of human rights education, place greater emphasis in its dialogue with States parties on human rights education, devote a day of general discussion to the issue, and consider preparing a general comment on the subject.

314. Following that debate, the Committee decided to schedule a day of general discussion on human rights education at its eleventh session, on 5 December 1994. The discussion was attended by the United Nations High Commissioner for Human Rights. Other participants included the Chairperson of the Committee on the Elimination of Racial Discrimination, and representatives of the Department of Public Information, UNESCO, UNICEF, ILO, UNHCR and WHO. A representative of OECD also took part in the discussion. Representatives of the following international non-governmental organizations also participated: American Association for the Advancement of Science, American Association of Jurists, International Baccalaureate, International Organization for the Development of Freedom of Education, International Service for Human Rights, People's Decade for Human Rights Education, Promotion of Grassroots Enlightenment and Social Security, Rights and Humanity, and World Federation of United Nations Associations.

### 2. Summary of the discussion: status of human rights education

315. The United Nations High Commissioner for Human Rights, in stressing the importance of human rights education, assured the Committee that its conclusions on its present deliberations would receive his full attention. Mr. I. Garvalov, Chairperson of the Committee on the Elimination of Racial Discrimination, raised the problem of how to preserve the identity of persons belonging to national, ethnic, religious or linguistic minorities when providing separate education for such persons was perceived to threaten national unity. He suggested that the problem merited the consideration of all the treaty bodies.

316. In their presentations, the representatives of the specialized agencies and United Nations organs informed the Committee of the variety of ways in which they pursued human rights education activities in their respective areas of competence, including the organization of seminars and conferences; the development of human rights programmes and materials to be used for training or educational purposes; the development of networks of schools to encourage integration of educational curricula based on tolerance, human rights and democratic principles; and support of publicity campaigns and special events.

317. The representative of UNESCO highlighted the activities being undertaken pursuant to the World Plan of Action on Education for Human Rights and Democracy. The World Plan of Action drew attention to the concept of human rights education as a human right in itself and served as an important point of reference in the formulation of the recently adopted Plan of Action for the United Nations Decade for Human Rights Education. The representative also reminded participants of the mechanism established to monitor the implementation of the Recommendation concerning Education for International Understanding, Cooperation and Peace and Education relating to Human Rights and Fundamental Freedoms, adopted by the UNESCO General Conference in 1974. This monitoring mechanism had been instituted as an advisory committee to which States must submit reports every six years on their implementation of the Recommendation. The Advisory Committee had held its first meeting in April 1995.

318. Some representatives of specialized agencies drew attention to the position taken by their agencies that human rights education should impart not only knowledge of the rights themselves, but also knowledge of the substance of those rights. The representative of WHO illustrated this approach in stating that WHO taught members of the medical profession and the general public that health was their right and instructed them as to how they could protect their health, including through good nutrition, regular vaccinations and hygiene. In addition, this representative proposed that thematic educational programmes be introduced during the Decade, for example on the right of health of women, of the elderly and of persons with AIDS.

319. In their statements, non-governmental organizations informed the Committee about their activities, which included public information campaigns, provision of human rights education for educators and development and relief workers, and a number of grass-roots projects. Many of the participants from non-governmental organizations were in agreement that the Committee should revise its reporting guidelines to require States parties to report on their efforts to promote human rights education, and that it should develop questions to put to States parties in this regard during the consideration of their reports.

320. With regard to areas requiring further attention, a participant from one non-governmental organization raised the fact that human rights were often neglected in university, graduate and continuing education programmes, both in scientific and in other professional fields. She stated that scientists were not trained in human rights, despite the fact that adherence to human rights standards such as freedom of expression, the right to privacy, the right to produce and enjoy the product of one's labour and other rights as established in the International Covenants on Human Rights was the basis for scientific investigation.

### 3. Plan of Action for the United Nations Decade for Human Rights Education, 1995-2004

321. During the general discussion, the members of the Committee had available to them the report of the Secretary-General concerning a proposed decade for human rights education, [3] which was subsequently endorsed by the General Assembly in its resolution 49/184 of 23 December 1994. By that resolution, the General Assembly proclaimed the ten-year period beginning on 1 January 1995 the United Nations Decade for Human Rights Education and requested the United Nations High Commissioner for Human Rights to coordinate its implementation. The General Assembly further requested that the human rights treaty-monitoring bodies, among other entities, support the efforts of the High Commissioner to coordinate the Plan of Action for the Decade, and place emphasis on the implementation by Member States of their international obligation to promote human rights education.

322. The members of the Committee agreed that the provision of human rights education affects the enjoyment of all rights, be they civil, political, economic, social or cultural in nature or directed at the elimination of discrimination against particular groups of persons. They noted that the human rights treaty bodies are specifically requested in the Plan of Action for the Decade to monitor the implementation of the Plan of Action in States parties and that no other monitoring mechanism is mentioned in the Plan of Action. In this connection, it was noted that article 13 of the International Covenant on Economic, Social and Cultural Rights gave the Committee a *sui generis* role in the implementation of the Plan of Action.

### 4. Conclusions and decisions on future action

323. Taking into account the points raised during the discussion and in the light of the Plan of Action for the Decade, the Committee on Economic, Social and Cultural Rights adopts the following conclusions.

324. *Human rights education is itself a human right*. According to article 13 of the Covenant, all persons have a right to education and this education must be directed to the full development of the human personality and the sense of its dignity, strengthen the respect for human rights and fundamental freedoms, enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace. The Committee considers that the exercise of and strengthening of respect for human rights can take place only when there exists awareness of those rights by both the authorities and individuals. The Committee thus affirms the concept that, as a component of the right to education, human rights education is itself a human right.

325. *The human rights treaty bodies, particularly the Committee on Economic, Social and Cultural Rights, have a special responsibility because of their unique situation within the United Nations system to assess and monitor progress in the implementation of the binding obligations of States parties to promote human rights education at the national level*. They are the only

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[3] A/49/261-E/1994/110/Add.1.

systematic monitoring mechanisms on the right to education for all. The Committee is aware that monitoring mechanisms exist in relation to other instruments in the field of education, particularly the 1974 UNESCO Recommendation concerning Education for International Understanding, Cooperation and Peace and Education relating to Human Rights and Fundamental Freedoms. Accordingly, the Committee intends to engage in a regular exchange of information with UNESCO in that regard.

326. In order to maximize its effectiveness, human rights education should be provided through targeted efforts, through the formal and non-formal education systems and through public activities. The Committee believes that wide availability of human rights instruction and materials should be a priority issue when it examines State compliance with article 13 of the Covenant. Efforts should be directed especially towards the most vulnerable sectors of society and those responsible for the protection of their rights. Furthermore, the provision of human rights instruction through formal and non-formal education imparts knowledge of the concept of rights and implants in young minds the seeds of a culture of peace of which respect for human rights is the foundation. For the general public, the Committee believes that continued public campaigns and wide dissemination of information are effective means of promoting awareness.

327. Activities in the field of human rights education by Governments and other actors, including the specialized agencies and non-governmental organizations, should be assessed. While a great number of programmes exist at the international and national levels with varying objectives that contribute to human rights education, it is evident from the discussion that little effort has been made to assess the effectiveness of such programmes. Consequently, little is known about the adequacy of the content of human rights education and the degree to which it is successful in reaching all intended audiences. The Committee believes that evaluation of the activities of States to provide human rights education is necessary in order to determine the extent of their compliance with article 13 of the Covenant.

328. The Committee can play a useful role in introducing the available international technical assistance programmes to States in need of them. As revealed in the presentations made during the general discussion, there exists a large number of international operations and technical assistance programmes for human rights education, many of them directed at specific target groups. In this connection, the Committee notes that, in accordance with the mandate conferred on the United Nations High Commissioner for Human Rights in the Plan of Action, a comprehensive inventory of the efforts being undertaken in this field throughout the United Nations system should be compiled. On the basis of such an inventory, the Committee could, during its consideration of States parties' reports, make appropriate recommendations for States parties to draw on the technical assistance available throughout the United Nations system.

329. In the light of the above, the Committee decides to undertake the following measures.

With regard to the consideration of States' reports:

330. The Committee will consider, under article 13 of the Covenant, the activities of States parties to provide education for all and the extent to

which human rights are included in the curriculum content of formal education, in the programme of activities in non-formal education, and in other public information activities. The Committee will report its findings to the United Nations High Commissioner for Human Rights.

331. The Committee will regularly consider the efforts made by States parties to translate into all local languages the texts of international human rights norms and instruments, general comments and concluding observations by the treaty bodies, and reports of any national institution or government organ entrusted with the promotion and protection of human rights.

332. The Committee, in the light of information made available to it and to the other treaty bodies, will pay special attention to the efforts made by States parties to provide human rights education through programmes for all target groups specified in the Plan of Action, instruction through the formal and informal educational systems, and public campaigns and information for the public as a whole. In its consideration of States parties' reports, the Committee will seek specific information on the progress of States over time with each of these approaches.

333. The Committee will give regular consideration to the status of implementation of the Plan of Action in States parties. It will pay particular attention to whether States are making use of all the resources available from national and international organizations and the specialized agencies, whether national focal points for human rights education are being established and, if so, what their achievements and their present and planned activities are.

334. The Committee will identify areas where States parties may benefit from international technical assistance, including the materials and project assistance offered by, inter alia, the Centre for Human Rights, UNESCO, UNICEF, UNHCR, ILO and WHO, on the basis of information learned during its consideration of States parties' reports and the survey to be conducted by the United Nations High Commissioner for Human Rights with the assistance of the Centre for Human Rights and UNESCO.

With regard to its organization of work:

335. The Committee may consider preparing for discussion at one of its future sessions a general comment on the nature of States parties' obligations under article 13 of the International Covenant on Economic, Social and Cultural Rights.

336. The Committee requests the United Nations High Commissioner for Human Rights to invite UNESCO to make available to the Committee its assessment of teaching materials, curricula and other relevant information concerning human rights education that are received from Member States, from intergovernmental and non-governmental organizations, and from all relevant organs within the United Nations system. The Committee expresses the hope that relevant country-specific information may be exchanged on a regular basis with the UNESCO Advisory Committee on Education for Peace, Human Rights and Democracy.

337. The Committee decides to bring to the attention of the United Nations High Commissioner for Human Rights any possible projects for which the proposed voluntary fund for human rights education might be employed, or for which other technical assistance funds should be made available.

338. The Committee decides to designate one of its members, Mrs. Virginia Bonoan-Dandan, to assume primary responsibility with regard to education issues, in order to build further expertise, advise the Committee on developments, engage in an exchange of information with other concerned agencies and organizations, conduct studies in this area as deemed necessary by the Committee, and present to the Committee proposals of a general and country-specific nature which the Committee may submit to the United Nations High Commissioner for Human Rights for consideration.

## B. Twelfth session, 15 May 1995

### The interpretation and practical application of the obligations incumbent on States parties to the International Covenant on Economic, Social and Cultural Rights

339. At its tenth session, the Committee on Economic, Social and Cultural Rights decided to devote a day of general discussion at its twelfth session to the interpretation and practical application of the obligations incumbent on States parties to the International Covenant on Economic, Social and Cultural Rights (E/1995/22, para. 400). At its eleventh session, the Committee indicated that the focus of that day of general discussion was designed to assist the new members of the Committee and to provide an opportunity for the Committee as a whole to discuss the most appropriate and effective ways of promoting compliance by States parties with their obligations (ibid. para. 410).

340. At its 21st and 22nd meetings on 18 May 1995, the Committee held a day of general discussion on the above-mentioned subject.

341. In addition to the members of the Committee, representatives of the following intergovernmental and non-governmental organizations participated in the discussion: UNESCO, FIAN International, American Association of Jurists and Habitat International Coalition. A scholar from the University of Leicester (United Kingdom) was also present.

342. During the discussion, a wide range of substantive and procedural issues relating to the obligations incumbent on States parties to the Covenant, as well as a number of issues concerning the Committee's methods of work, were addressed.

343. With regard to the first group of issues, emphasis was placed in the course of the discussion on the following: a comparison and analysis of the similar provisions contained in the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and the nature of the obligations incumbent on States parties under each instrument; which rights set forth in the International Covenant on Economic, Social and Cultural Rights were of direct application and which could be implemented progressively by States parties; the justiciability of economic, social and cultural rights; the desirability of drafting an optional

protocol, providing for the right to complain to the Committee in case of violation of rights protected by the Covenant; the approach to be adopted by the Committee in assessing compliance by States parties having different levels of economic development with their obligations under the Covenant; the treatment to be accorded to developing countries; and the role of international assistance and cooperation in achieving the full realization of the rights recognized in the Covenant.

344. With regard to the methods of work of the Committee, the following issues were addressed in the course of the discussion: the elaboration of a more effective procedure of follow-up to the Committee's consideration of States parties' reports; the consideration to be given to economic and other difficulties prevailing in States parties whose report are under examination; the relationship between the realization of economic, social and cultural rights and the right to development; the publicity to be given to the Covenant and to the Committee's work; and cooperation between the Committee and the specialized agencies.

# Chapter VII

# REVIEW OF METHODS OF WORK OF THE COMMITTEE

## A. Decisions adopted by the Committee at its twelfth session

### Follow-up to recommendations of the Commission on Human Rights

### 1. Seminar with the international financial institutions

345. In 1992, the recommendations contained in the final report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the realization of economic, social and cultural rights emphasized the importance of involving the World Bank and IMF in discussions in relation to the promotion of those rights (E/CN.4/Sub.2/1992/16, para. 238). This proposal was taken up by the Sub-Commission in its resolution 1992/29 (para. 11 (c)). Subsequently, the Commission on Human Rights, in its resolution 1993/14 (para. 18), requested the Secretary-General "to invite the international financial institutions to consider the possibility of organizing an expert seminar on the role of the financial institutions in the realization of economic, social and cultural rights". At its ninth session, in 1993, the Committee on Economic, Social and Cultural Rights endorsed this proposal "in very strong terms" and urged "that every effort should be made to organize such a seminar" (E/1994/23-E/C.12/1993/19, p. 78, para. 388).

346. Correspondence ensued between the Centre for Human Rights and the World Bank in which the latter expressed its willingness to assist in that endeavour. Since that time, despite the adoption of two further resolutions by the Commission (resolution 1994/20, para. 17, and resolution 1995/15, para. 17), nothing has eventuated.

347. The Committee deeply regrets the continuing and unacceptable delays involved and calls upon the United Nations High Commissioner for Human Rights and the Assistant Secretary-General for Human Rights to take immediate action to give effect to the repeated recommendations of the Commission. The Committee believes that it would be entirely appropriate for such a seminar to be held, on the basis of expert participation from the concerned bodies, and for subsequent consideration to be given to the holding of a public seminar.

### 2. Seminars on indicators for economic, social and cultural rights

348. The Committee also notes that one of the very few specific recommendations relating to economic, social and cultural rights endorsed by the World Conference on Human Rights concerned the importance of using indicators as a means of measuring or assessing progress in the realization of human rights. Pursuant to this endorsement, the Commission on Human Rights recommended that "the Centre for Human Rights convene expert seminars for chairpersons of the human rights treaty-monitoring bodies and representatives of specialized agencies and non-governmental organizations, as well as representatives of States, focused on specific economic, social and cultural rights, with a view to clarifying the particular content of these rights" (resolution 1994/20, para. 9). Despite this request, no such seminars were held in the course of 1994. The Commission therefore reiterated its

recommendation in its resolution 1995/15 (para. 9). The Committee has not been consulted in any way in relation to this initiative and, as far as can be ascertained, the Centre for Human Rights has still not undertaken the organization of even one such seminar.

349. In view of the extraordinarily limited resources devoted by the Centre for Human Rights to the only body dealing expressly with economic, social and cultural rights within the entire United Nations system, the Committee calls upon the Centre to take immediate steps to rectify this situation and requests the Assistant Secretary-General for Human Rights to report to the Committee at its thirteenth session as to the arrangements that have been made.

### Staffing for the Committee

350. The Committee on Economic, Social and Cultural Rights has for the past several years sought to draw attention to the fact that there is not a single specialist in these rights within the Centre for Human Rights. As a result, the Committee has been unable to call upon any specialist expertise for any of its many research and related needs. It considers this situation to be a negation of the oft-proclaimed equality of the two sets of rights and calls upon the Secretary-General to take urgent measures designed to ensure the availability of, at the very least, a minimal amount of expert assistance to the Committee.

### Office facilities for members of the treaty bodies

351. For the past seven years the Committee, as well as the regular biennial meetings of persons chairing the human rights treaty bodies, have persistently called for both the establishment of a resource and documentation facility and the provision of an office for use by members of the treaty bodies when their committees are in session in Geneva. The Committee is delighted to note that some progress has been promised in relation to the former proposal. It regrets, however, that successive heads of the Centre for Human Rights have made no attempt to provide any facilities whatsoever for the members of the treaty bodies. The result is that there is no place to leave voluminous and often confidential or private papers except in the conference rooms, which remain entirely open to the public. There is no place to leave equipment such as laptop computers, and no place to obtain access to a computer or a printer. There is not even a place where expert members may obtain access to copies of the Committee's own past documentation.

352. The situation could be remedied by setting aside a single office, with several lockable desks in it, a computer and a printer, and some basic documentation for use by the 97 members of the various treaty bodies when they are in Geneva. While the Committee recognizes the shortage of office space available to the Centre, it does not accept the implied position of the Centre that the treaty bodies can be given no access whatsoever to even the most basic facilities. The Committee calls upon the Centre to reconsider this matter urgently.

### Fourth World Conference on Women: Action for Equality, Development and Peace (Beijing, 1995) and United Nations Conference on Human Settlements (Habitat II) (Istanbul, 1996)

353. The Committee emphasizes the importance which it attaches to the Fourth World Conference on Women: Action for Equality, Development and Peace. For this reason it appointed a drafting group during its twelfth session which was responsible for the preparation of a statement for the Committee to consider sending to the Conference as an official document both of the Committee and of the Conference. The group consisted of Mrs. Virginia Bonoan-Dandan, Mrs. María de los Angeles Jiménez Butragueño and Mr. Juan Alvarez Vita. The statement, as revised, was adopted by the Committee and is contained in annex VI to the present report. In view of the importance of the Conference and the central relevance of the International Covenant on Economic, Social and Cultural Rights to its work, the Committee believes that it is essential that it be represented at the Conference by its Rapporteur, Mrs. Bonoan-Dandan, as well as by Mrs. Jiménez Butragueño. It asks the Secretariat to make all the necessary arrangements to facilitate their attendance.

354. The Committee also takes note of the United Nations Conference on Human Settlements (Habitat II), to be held in June 1996. It decided to request one of its members, Mr. Philippe Texier, to draft a statement to be adopted by the Committee at its thirteenth session with a view to its being transmitted to the meeting of the Preparatory Committee, as well as to the Conference itself. The statement will, in particular, emphasize the importance which the Committee attaches to full implementation of the right to adequate housing, which is recognized in a wide range of international instruments including the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights. It will also note the importance of ensuring that the general policy framework for the Conference takes full account of the importance of that human right.

### Draft optional protocol

355. The Committee held a brief discussion on this issue at its twelfth session and agreed to request Mr. Philip Alston to submit a revised report to it at its thirteenth session. The report should reflect the discussions held at the Committee's eleventh and twelfth sessions and provide the basis on which the Committee could complete its consideration of this matter, with a view to forwarding a final report to the Commission on Human Rights at its fifty-second session.

### Day of general discussion

356. The Committee decided that, in view of the time pressures to which it would be subject at its thirteenth session, it would devote its day of general discussion to the adoption of its report on a draft optional protocol. In order to ensure the availability of as much time as possible for this purpose, the Committee decided that participation by non-members of the Committee should be extremely limited.

## Draft general comment

357. The Committee continued its examination of a draft general comment on the economic, social and cultural rights of older persons. It adopted paragraphs 1 to 20, as revised, on first reading. The Committee decided to continue its examination of the draft at its thirteenth session and to make a particular effort to complete its adoption at that time. It requested various of its members to examine the draft in relation to specific articles of the Covenant and to forward their observations as soon as possible to Mrs. Jiménez Butragueño, in order to enable her to present a revised draft to the Committee at its thirteenth session.

358. The Committee noted that Mr. B. Simma had undertaken to prepare the first draft of a general comment on the application of the Covenant in domestic law and that Mr. P. Alston would prepare a draft general comment on the right to health.

## Publicity

359. The Committee attached particular importance to the need to publicize its work and to undertake public information initiatives designed to improve understanding of the Covenant and the Committee's role in relation to it. The Committee recalled that it had requested more than two years earlier that the Fact Sheet on economic, social and cultural rights, which it considered to be superficial and unhelpful, should be thoroughly revised and reissued. It noted with regret that no progress had been made in that regard and, once again, called upon the Centre for Human Rights to take the necessary measures as soon as possible.

360. Representatives of the Committee held a very constructive meeting during its twelfth session with Ms. Thérèse Gastaut, Director of the Information Service at the United Nations Office at Geneva, in relation to the Committee's request that a video be prepared which would provide an illustration of the way in which the Committee fulfils its principal role of considering the reports of States parties. The Committee was informed that the proposal, made in December 1994, had reached the Department of Public Information too late to be included in the 1996-1997 programme budget for the Department. The Director indicated, however, that existing resources would permit the work of the Committee to be featured in "World Chronicle", a regularly produced 30-minute television programme, and in "UN in Action", a three-minute feature produced weekly. It was agreed that full advantage should be taken of these opportunities. In addition, it was agreed that a brief video, of perhaps five minutes' duration, could be prepared during the course of 1995 from within existing resources. This would draw on available archival material and some filming of the Committee's session in November-December 1995. The Committee expresses its appreciation for these very helpful responses to its request.

361. It was also agreed that, in future, a press release containing some background information on the Committee and an indication of the main issues to be dealt with in relation to a specific country report would be issued by the United Nations Information Centre in the reporting country at least one month before the report was to be examined by the Committee. A copy of the

report would be made available at the same time to the information centre in question and the summary records relating to the consideration of the report would be provided subsequently.

### Access to specialized expertise

362. The Committee also decided that it would renew its request to the Economic and Social Council for an allocation in the amount of $10,000 annually, within the overall budget of the Centre for Human Rights, to enable the Committee to bring in specialists to participate in its days of general discussion and to commission papers dealing with those technical dimensions of its work which required expert elaboration. Such funds would not be spent on members of the Committee and would be committed only with the approval of the head of the Centre for Human Rights. The Committee believed that such an allocation would enable it to operate more efficiently and to undertake more work towards the elaboration of indicators, as recommended by both the Commission on Human Rights and the World Conference on Human Rights.

### Honorariums

363. The Committee recalled that it had on several occasions in the past drawn attention to the fact that, while each member of other equivalent human rights treaty bodies received an honorarium, its members did not. It requested the Economic and Social Council to remedy this situation and for that purpose the Committee decided to include the issue in a draft decision to be proposed to the Council.

### Twice-yearly sessions

364. The Committee noted that its workload in recent years had consistently required it to hold two sessions annually but that that had had to be approved on an exceptional basis on each occasion. It noted that no other committee (except the Committee on the Elimination of Discrimination against Women, which had proposed an amendment to the text of the Convention in question in order to increase the number of sessions held each year) was able to carry out its responsibilities in a single annual session. In view of the fact that it was clearly unable to discharge its responsibilities on the basis of a single annual session, the Committee requested the Economic and Social Council to authorize it to hold, on a regular basis, two sessions per year, each of three weeks' duration. It noted that it had scheduled its pre-sessional working group meetings to follow its sessions in order to conserve resources through the elimination of additional air fares. The Committee took note in that regard of the statement of financial implications provided by the secretariat.

### Role of non-governmental organizations

365. The Committee reaffirmed the importance which it attached to the receipt of detailed and reliable information from non-governmental organizations. It noted that its own deliberations had been greatly assisted in those cases in which pertinent information had been available from domestic NGOs based in the reporting State. Conversely, the Committee regretted the lack of such information in other cases, particularly in relation to those countries in which there was a lively civil society but in which, for whatever reason, the relevant groups appeared to be unaware of the Committee's work. It noted

that, for example, in recent consideration of reports submitted by Portugal, Sweden and the United Kingdom, no information had been provided to the Committee by domestic NGOs. For that reason, it requested its secretariat to make a greater effort to inform relevant NGO groups based in States whose reports were scheduled for consideration by the Committee. Such notification should be undertaken at the earliest possible moment on the basis of a letter from the Chairperson inviting NGOs to submit relevant information, preferably in time to be taken into account by the pre-sessional working group. The letter should be accompanied by a copy of the report of the State party, a copy of chapter III of the Committee's annual report outlining the procedures followed by the Committee, and any other pertinent information.

### Consideration of the situation in non-reporting States parties

366. In accordance with its long-standing policy of requesting reports from States parties which ratified the Covenant many years ago and have failed to submit any reports, as required under the Covenant, the Committee decided to consider at its fourteenth session the situation in Guinea, which ratified in 1978 and whose initial report was due in 1980, and in Sri Lanka, which ratified in 1980 and whose initial report was due in 1982. The Committee expressed the hope that each of those States would be able to submit a report as soon as possible, but decided that it would, in the absence of any such report, proceed to a detailed examination of the situation in each State party on the basis of all available information.

### Working methods

367. The Committee agreed that, despite the time pressures involved, it would consider at its thirteenth session reports from five States parties, namely Ukraine, Colombia, Norway, Mauritius and Algeria. It resolved to consider making use of sessional working groups for purposes yet to be determined.

### Follow-up

368. In view of the importance of ensuring that the Committee followed up on all the specific recommendations it made, both those relating to its own work and those relating to the reports of States parties, the Committee requested its secretariat to provide it at each session with a document giving a brief indication of all outstanding requests of a specific nature to which responses had not been received.

## B. Decisions adopted by the Committee at its thirteenth session

### Methods of work

369. The Committee was informed by Mr. A. Bahi, Chief of the Conference Service at the United Nations Office at Geneva, about the implications of the grave budgetary crisis besetting the Organization, including for the activities of the human rights treaty bodies. In response to this situation, the Committee will make every effort to reduce costs, without jeopardizing the quality of its work. The Committee draws attention to the fact that it decided several years ago to discontinue its earlier practice of including in its annual report to ECOSOC summaries of its dialogue with the representatives of reporting States. Consequently, the size of these reports has been reduced

by almost half. The Committee points out, however, that this measure was made possible only by the existence of summary records of its proceedings, which would allow States and interested observers to trace how the Committee arrived at its concluding observations on States parties' reports. For this reason, the Committee insists that such summary records must continue to be produced by the Secretariat.

370. With regard to the size of reports submitted by States parties to the Covenant, the Committee realizes that the costs of translating these reports into all official languages of the United Nations constitute a major component of the overall expenditure required for monitoring the implementation of the Covenant. The Committee maintains that in each case a careful balance should be struck between the imperatives of comprehensiveness, on the one hand, and the necessity to reduce costs, on the other. It considers that, aside from exceptional instances (such as complicated federal structures within a State party), especially in the case of consecutive reports and in view of the practice of submitting identical core documents to all human rights treaty bodies, a report of around 100 pages should be sufficient, if prepared in accordance with the Committee's revised guidelines, to give a concise picture of the state of the implementation of the Covenant in the country concerned. On the more practical side, the editorial work to be performed by the Secretariat would be greatly facilitated if States submitted the manuscripts of their reports double-spaced and, where such reports were produced on computers, if they supplied the Secretariat with a computer diskette.

## Consideration of States parties' reports

371. The Committee noted with appreciation that, for the first time, all States parties whose reports were considered during the thirteenth session complied with the Committee's recommendation to submit written replies to the lists of issues made available to the States parties concerned well in advance of each session. This allowed the Committee to have a more constructive dialogue with reporting States and to concentrate on the most important issues in the course of the consideration of the reports. It also facilitated the task of States parties' delegations in presenting their reports before the Committee. The Committee therefore reiterated its recommendation to States parties to comply with this procedure.

## Economic, social and cultural rights and the right to development

372. For many years, the Committee has followed with interest activities within the United Nations system related to the Declaration on the Right to Development, particularly those carried out by the Working Group on the Right to Development of the Commission on Human Rights. During its ninth session (December 1993), the Committee met with Mr. Mohamed Ennaceur, Chairman-Rapporteur of the Working Group on the Right to Development, who emphasized the significance which the Working Group attached to the promotion of economic, social and cultural rights within the comprehensive framework laid down by the 1986 Declaration on the Right to Development. The Committee, for its part, expressed its wish to collaborate closely with the Working Group on the Right to Development.

373. At its thirteenth session, the Committee considered the report of the Working Group on the Right to Development on its fifth session, paying

particular attention to the suggestions and recommendations contained therein. The Committee noted the emphasis placed in the report on the close relationship that exists between economic, social and cultural rights and the right to development, the realization of the latter being greatly conditioned by the level of realization of the rights set forth in the International Covenant on Economic, Social and Cultural Rights.

374. The Committee, conscious of the role conferred on it by the Economic and Social Council in monitoring the implementation of the provisions of the Covenant by, at present, 133 States parties and in response to the recommendations formulated in the report of the Working Group on the Right to Development, adopted the following recommendations for consideration by the Commission on Human Rights at its fifty-second session with a view to ensuring the effective implementation of the Declaration on the Right to Development:

(a) Institutional aspect (monitoring)

375. The Committee, conscious of the interrelationship that exists between the International Covenant on Economic, Social and Cultural Rights and the Declaration on the Right to Development, as highlighted in the recommendations of the Working Group on the Right to Development, considers that economic, social and cultural rights, on the one hand, and the right to development, on the other hand, are mutually reinforcing concepts; that the realization of the former results in an effective realization of the latter, and vice versa. Accordingly, the Committee considers that monitoring of the implementation of the Declaration on the Right to Development should be carried out together with that of the implementation of the International Covenant on Economic, Social and Cultural Rights. The Committee expresses its willingness in principle to assume, at the appropriate moment, the responsibility of monitoring the implementation by Member States of the United Nations of the Declaration on the Right to Development, in addition to its current mandate as defined by the Economic and Social Council in its resolution 1985/17.

(b) Functional aspect

376. Should the Committee be entrusted with monitoring the implementation of the Declaration on the Right to Development, it will report, through the Commission on Human Rights, to the Economic and Social Council on progress made in the realization, at the national level, of the Declaration on the Right to Development.

## Gender perspective in the work of the Committee

377. Within the framework of its discussion of the Beijing Declaration and Platform for Action (A/CONF.177/20, chap. I), adopted by the Fourth World Conference on Women, the Committee considered the following documents: report of an Expert Group meeting on the development of guidelines on the integration of gender perspectives into United Nations human rights activities and programmes (E/CN.4/1996/105); a paper prepared by the Division for the Advancement of Women (Department for Policy Coordination and Sustainable Development, New York) on the incorporation of a gender perspective into the work of the United Nations human rights regime; report of the sixth meeting of persons chairing human rights treaty bodies (A/50/505); gender-specific

information provided by the Division for the Advancement of Women and relating to the reports of two States parties considered by the Committee at its thirteenth session.

378. The Committee also heard statements by Mrs. Virginia Bonoan-Dandan and Mrs. María de los Angeles Jiménez Butragueño, who represented the Committee at the Fourth World Conference on Women: Action for Equality, Development and Peace, held at Beijing from 4 to 15 September 1995. Mrs. Bonoan-Dandan also served as Chairperson-Rapporteur of the Expert Group meeting referred to above.

379. The Committee reaffirmed the importance it has always attached to the integration of gender perspectives in all aspects of its work. The Revised General Guidelines adopted by the Committee in 1990 call for the provision of disaggregated data and information on the particular situation of women, under relevant articles of the Covenant. The Committee's long-standing concern for the enjoyment and protection of the economic, social and cultural rights of women is further emphasized in the formulation of its lists of issues and in the oral questions raised during consideration of States parties' reports.

380. In the context of follow-up action to the Beijing Declaration and Platform for Action, of the recommendations adopted by the sixth meeting of chairpersons of treaty bodies concerning gender issues, and in the light of its own experience, the Committee is willing to assume the task of identifying the gender-specific issues arising under each of the substantive articles of the Covenant. This may lead to the formulation of a general comment and eventually to a revision of the Committee's reporting guidelines in order to assist States parties in providing adequate information on the enjoyment of the economic, social and cultural rights of women and the girl child.

### General Comment No. 6 (1995) on the economic, social and cultural rights of older persons

381. The Committee considered the draft general comment on the economic, social and cultural rights of older persons, submitted by Mrs. Jiménez Butragueño. After a lengthy discussion, the Committee adopted the General Comment and decided to publish it as an annex to the present report (see annex IV) and to express its gratitude to Mrs. Jiménez Butragueño for her work.

### Optional protocol

382. At its thirteenth session, the Committee continued its discussion of a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights. It noted with appreciation the contribution made to that discussion by ILO and a number of non-governmental organizations, which had submitted written statements to the Committee on the subject. The Committee decided to continue its consideration of a draft optional protocol at its fourteenth session with a view to finalizing its work.

### Day of general discussion

383. The Committee decided that it would devote its day of general discussion to be held on Monday, 13 May 1996 to its consideration of a draft optional

protocol. The Committee also decided to invite representatives of States parties to attend that meeting and to take part in the discussion. The Committee requested Mr. P. Alston to submit a revised version of his report on a draft optional protocol not later than 1 March 1996.

## Secretariat working papers on the World Summit for Social Development and the Fourth World Conference on Women

384. The Committee took note of two working papers prepared by the Secretariat, dealing with the implications for the work of the Committee of the Copenhagen Declaration on Social Development (A/CONF.166/9, chap. I) adopted by the World Summit for Social Development, and the Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women. The Committee regards these documents as a useful basis for discussion of the issues concerned at its next sessions. It therefore requests the Secretariat to make them available in all working languages for its May 1996 session.

## Publication of the Committee's annual report

385. The Committee expresses its appreciation to the Secretariat for the timely publication of its annual report, which was issued prior to its twelfth session (May 1995) following the recommendation adopted by the Committee at its eleventh session. The Committee hopes that this encouraging practice will continue and calls upon the relevant services to do their utmost to ensure publication of its report immediately after its adoption in December so that it may be made available to the Commission on Human Rights at its session now scheduled to be held in March-April.

## United Nations Conference on Human Settlements (Habitat II)

386. The Committee emphasizes the importance which it attaches to the effective realization of the right to housing as enshrined in article 11, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights. It has followed with great attention the preparatory process for the United Nations Conference on Human Settlements (Habitat II), to be held at Istanbul in June 1996, especially the debate with regard to the right to housing. At its twelfth session, the Committee appointed Mr. P. Texier to draft a position paper on that issue for the Committee's consideration at its thirteenth session. That statement was adopted by the Committee at its thirteenth session and is contained in annex VIII to the present report. The Committee decided to transmit that statement, together with a letter sent by its Chairperson to Mr. Wally N'Dow, Assistant Secretary-General, United Nations Centre for Human Settlements, to the Preparatory Committee for the Conference at its next session and to the Conference itself.

387. In view of the importance of the Conference and the central relevance of the Covenant to its work, the Committee designated Mr. P. Texier to represent it at the United Nations Conference on Human Settlements (Habitat II) and asked the Secretariat to make all the necessary arrangements to facilitate his attendance.

## Relations with other human rights treaty bodies

388. At its thirteenth session, the Committee held a discussion with the Chairperson of the Committee on the Rights of the Child in the context of improving cooperation and relations with other treaty bodies. The Committee recommended that a seminar of representatives from all the treaty bodies should be organized, with the participation of outside experts, to discuss areas of mutual concern and to develop further strategies of cooperation. A discussion of methods of work would focus on the question of avoiding overlapping in the monitoring of the implementation of human rights treaties.

389. The Committee expressed its interest in the studies being conducted by an independent research group on developing indicators relating to the various articles of the Convention on the Rights of the Child.

## Cooperation with specialized agencies

390. The Committee emphasized the great value which it attaches to cooperation with specialized agencies, whose contribution, in accordance with the Covenant, is of vital importance to the work of the Committee. In this context, it noted with appreciation the submission of the twentieth report of ILO. It regrets that UNESCO has submitted only one such report and FAO none at all during the Committee's existence.

391. The Committee also noted with regret that, except for ILO, none of the specialized agencies was present at its thirteenth session.

392. The Committee reiterated its standing request for specialized agencies to attend its sessions and to contribute, both in writing and through oral statements, to its work in monitoring the implementation of the Covenant. The Committee extended its invitation to the specialized agencies concerned to attend and provide information to the Committee's pre-sessional working group at its first meeting.

## Reinforcement of the secretariat servicing of the Committee

393. The Committee has, for a number of years, emphasized in its reports the need for adequate secretariat support and requested the Secretary-General to provide it with the services of a full-time expert in the field, in addition to its Secretary. The Committee is dissatisfied that additional professional assistance has not been provided to the Committee pursuant to its recommendations and to paragraph 16 of Commission on Human Rights resolution 1995/22, in which the Commission requested the Secretary-General to provide the Human Rights Committee and the Committee on Economic, Social and Cultural Rights with additional means to deal effectively and in a timely manner with their increasing workload. In this regard, the Committee emphasizes that its workload has increased significantly over the past few years, and that for this reason the Economic and Social Council authorized it to hold two regular sessions per year and two pre-sessional working group meetings (eight weeks in total per year). This will also increase the workload of the secretariat and make even more urgent the Committee's requests for more staff.

394. In the light of the foregoing, the Committee requests the United Nations High Commissioner for Human Rights to ensure that the necessary measures are taken to implement the recommendations referred to above and report on the action taken to the Committee at its fourteenth session, in May 1996.

## Support of non-governmental organizations for the Committee

395. The Committee emphasized once more the importance which it attaches to cooperation with non-governmental organizations. In this connection, it notes with satisfaction their increasing participation in the Committee's work and the constructive contribution made at the thirteenth session, above all by national NGOs.

396. The Committee notes that, since its inception, the NGOs which have participated in its work specialize essentially in human rights issues; few NGOs or groups concerned with development have shown an interest in the Committee's work, or even in the Covenant itself. Yet development issues are closely tied in with the implementation of the International Covenant on Economic, Social and Cultural Rights.

397. The Committee therefore considers that NGOs engaged in the protection of human rights should work together with development NGOs and envisage establishing a liaison body that would work on economic, social and cultural rights. The objectives of such a body could include the following:

- To coordinate activities connected with economic, social and cultural rights among actors outside the United Nations;
- To cooperate with the United Nations Centre for Human Rights;
- To provide help and assistance to the Committee on Economic, Social and Cultural Rights in monitoring the implementation of the Covenant. This could be done in a way similar to the assistance provided by NGOs to the Committee on the Rights of the Child;
- To provide assistance to national NGOs working for the protection of economic, social and cultural rights and to development NGOs, so as to help them institute programmes which guarantee for the beneficiaries the exercise of their economic, social and cultural rights, in conformity with the provisions of the Covenant.

## Publicity for the Committee's work

398. The Committee welcomed the efforts of the Department of Public Information to publicize the Committee's work, following decisions taken at a meeting with Ms. T. Gastaut, Director of the Information Service at the United Nations Office at Geneva, during the Committee's twelfth session. The Committee expressed appreciation for the fact that a detailed background press release, highlighting aspects of the country reports under consideration and indicating the main issues to be dealt with, had been issued prior to the

Committee's thirteenth session and distributed by the Information Service to the United Nations Information Centres in the reporting countries. The Committee noted with appreciation that, beginning with its twelfth session, its concluding observations are now faxed at the end of each session to the United Nations Information Centres in the countries whose reports have been considered. The Committee also acknowledged other steps already taken by the Department of Public Information, in particular the television coverage of the Committee's work, and encouraged the Department to explore further possibilities to make the work of the Committee known to a wide public.

## Chapter VIII

## ADOPTION OF THE REPORT

399. At its 51st, 55th, 57st and 58th meetings, on 4, 6, 7 and 8 December 1995, the Committee considered its draft report to the Economic and Social Council on the work of its twelfth and thirteenth sessions (E/C.12/1995/CRP.1 and Add.1-6 and E/C.12/1995/CRP.2 and Add.1 and 2). The Committee adopted the report as amended in the course of the discussion.

# ANNEXES

## Annex I

## STATES PARTIES TO THE COVENANT AND STATUS OF SUBMISSION OF REPORTS

(as of 8 December 1995)

| State party | Date of entry into force | INITIAL REPORTS | | | SECOND PERIODIC REPORTS | | |
|---|---|---|---|---|---|---|---|
| | | Articles 6-9 | Articles 10-12 | Articles 13-15 | Articles 6-9 | Articles 10-12 | Articles 13-15 |
| | | (Summary records of consideration of reports) | | | | | |
| 1. Afghanistan | 24 April 1983 | E/1990/5/Add.8 (E/C.12/1991/SR.2, 4-6 and 8) | | | Overdue | | |
| 2. Albania | 4 January 1992 | Overdue | | | | | |
| 3. Algeria | 12 December 1989 | E/1990/5/Add.22 (E/C.12/1995/SR.46, 47 and 48) | | | | | |
| 4. Angola | 10 April 1992 | Overdue | | | | | |
| 5. Argentina | 8 November 1986 | E/1990/5/Add.18 (E/C.12/1994/SR.31, 32, 35, 36, 37) | | E/1988/5/Add.4<br>E/1988/5/Add.8 (E/C.12/1990/ SR.18-20) | | | |
| 6. Armenia | 13 December 1993 | Overdue | | | | | |
| 7. Australia* | 10 March 1976 | E/1978/8/Add.15 (E/1980/WG.1/ SR.12-13) | E/1980/6/Add.22 (E/1981/WG.1/ SR.18) | E/1982/3/Add.9 (E/1982/WG.1/ SR.13-14) | E/1984/7/Add.22 (E/1985/WG.1/ SR.17, 18 and 21) | E/1986/4/Add.7 (E/1986/WG.1/ SR.10, 11, 13 and 14) | E/1990/7/Add.13 (E/C.12/1993/ SR.13, 15 and 20) |
| 8. Austria | 10 December 1978 | E/1984/6/Add.17 (E/C.12/1988/ SR.3-4) | E/1980/6/Add.19 (E/1981/WG.1/ SR.8) | E/1982/3/Add.37 (E/C.12/1988/ SR.3) | E/1990/6/Add.5 (E/C.12/1994/ SR.39-41) | E/1986/4/Add.8 and Corr.1 (E/1986/WG.1/ SR.4 and 7) | E/1990/6/Add.5 (E/C.12/1994/ SR.39-41) |
| 9. Azerbaijan | 13 November 1992 | Overdue | | | | | |

Annex I (continued)

| State party | Date of entry into force | INITIAL REPORTS | | | SECOND PERIODIC REPORTS | | |
|---|---|---|---|---|---|---|---|
| | | Articles 6-9 | Articles 10-12 | Articles 13-15 | Articles 6-9 | Articles 10-12 | Articles 13-15 |
| | | (Summary records of consideration of reports) | | | | | |
| 10. Barbados | 3 January 1976 | E/1978/8/Add.33 (E/1982/WG.1/ SR.3) | E/1980/6/Add.27 (E/1982/WG.1/ SR.6-7) | E/1982/3/Add.24 (E/1983/WG.1/ SR.14-15) | Overdue | | |
| 11. Belarus** | 3 January 1976 | E/1978/8/Add.19 (E/1980/WG.1/ SR.16) | E/1980/6/Add.18 (E/1981/WG.1/ SR.16) | E/1982/3/Add.3 (E/1982/WG.1/ SR.9-10) | E/1984/7/Add.8 (E/1984/WG.1/ SR.13-15) | E/1986/4/Add.19 (E/C.12/1988/ SR.10-12) | E/1990/7/Add.5 (E/C.12/1992/ SR.2, 3 and 12) |
| 12. Belgium | 21 July 1983 | E/1990/5/Add.15 (E/C.12/1994/SR.15-17) | | | Overdue | | |
| 13. Benin | 12 June 1992 | Overdue | | | | | |
| 14. Bolivia | 12 November 1982 | Overdue | | | | | |
| 15. Bosnia and Herzegovina | 6 March 1993 | Overdue | | | | | |
| 16. Brazil | 24 April 1992 | Overdue | | | | | |
| 17. Bulgaria* | 3 January 1976 | E/1978/8/Add.24 (E/1980/WG.1/ SR.12) | E/1980/6/Add.29 (E/1982/WG.1/ SR.8) | E/1982/3/Add.23 (E/1983/WG.1/ SR.11-13) | E/1984/7/Add.18 (E/1985/WG.1/ SR.9 and 11) | E/1986/4/Add.20 (E/C.12/1988/ SR.17-19) | Overdue |
| 18. Burundi | 9 August 1990 | Overdue | | | | | |
| 19. Cambodia | 26 August 1992 | Overdue | | | | | |
| 20. Cameroon | 27 September 1984 | Overdue | E/1986/3/Add.8 (E/C.12/1989/ SR.6-7) | Overdue | | | |
| 21. Canada*** | 19 August 1976 | E/1978/8/Add.32 (E/1982/WG.1/ SR.1-2) | E/1980/6/Add.32 (E/1984/WG.1/ SR.4 and 6) | E/1982/3/Add.34 (E/1986/WG.1/ SR.13, 15 and 16) | E/1984/7/Add.28 (E/C.12/1989/ SR.8 and 11) | E/1990/6/Add.3 (E/C.12/1993/SR.6, 7 and 18) | |
| 22. Cape Verde | 6 November 1993 | Overdue | | | | | |
| 23. Central African Republic | 8 August 1981 | Overdue | | | | | |
| 24. Chad | 9 September 1995 | Due on 30 June 1997 | | | | | |

Annex I (continued)

| State party | Date of entry into force | INITIAL REPORTS | | | SECOND PERIODIC REPORTS | | |
|---|---|---|---|---|---|---|---|
| | | Articles 6-9 | Articles 10-12 | Articles 13-15 | Articles 6-9 | Articles 10-12 | Articles 13-15 |
| | | (Summary records of consideration of reports) | | | | | |
| 25. Chile* | 3 January 1976 | E/1978/8/Add.10 and 28 (E/1980/WG.1/ SR.8-9) | E/1980/6/Add.4 (E/1981/WG.1/ SR.7) | E/1982/3/Add.40 (E/C.12/1988/ SR.12-13 and 16) | E/1984/7/Add.1 (E/1984/WG.1/ SR.11-12) | E/1986/4/Add.18 (E/C.12/1988/ SR.12-13 and 16) | Overdue |
| 26. Colombia** | 3 January 1976 | E/1978/8/Add.17 (E/1980/WG.1/ SR.15) | E/1986/3/Add.3 (E/1986/WG.1/ SR.6 and 9) | E/1982/3/Add.36 (E/1986/WG.1/ SR.15, 21 and 22) | E/1984/7/Add.21/ Rev.1 (E/1986/WG.1/ SR.22 and 25) | E/1986/4/Add.25 (E/C.12/1990/ SR.12-14 and 17) | E/1990/7/Add.4 (E/C.12/1991/ SR.17, 18 and 25) |
| 27. Congo | 5 January 1984 | Overdue | | | | | |
| 28. Costa Rica | 3 January 1976 | E/1990/5/Add.3 (E/C.12/1990/SR.38, 40, 41 and 43) | | | Overdue | | |
| 29. Côte d'Ivoire | 26 June 1992 | Overdue | | | | | |
| 30. Croatia | 8 October 1991 | Overdue | | | | | |
| 31. Cyprus* | 3 January 1976 | E/1978/8/Add.21 (E/1980/WG.1/ SR.17) | E/1980/6/Add.3 (E/1981/WG.1/ SR.6) | E/1982/3/Add.19 (E/1983/WG.1/ SR.7-8) | E/1984/7/Add.13 (E/1984/WG.1/ SR.18 and 22) | E/1986/4/Add.2 and 26 (E/C.12/1990/ SR.2, 3 and 5) | Overdue |
| 32. Czech Republic | 1 January 1993 | Overdue | | | | | |
| 33. Democratic People's Republic of Korea | 14 December 1981 | E/1984/6/Add.7 (E/C.12/1987/ SR.21-22) | E/1986/3/Add.5 (E/C.12/1987/ SR.21-22) | E/1988/5/Add.6 (E/C.12/1991/ SR.6, 8 and 10) | Overdue | | |
| 34. Denmark* | 3 January 1976 | E/1978/8/Add.13 (E/1980/WG.1/ SR.10) | E/1980/6/Add.15 (E/1981/WG.1/ SR.12) | E/1982/3/Add.20 (E/1983/WG.1/ SR.8-9) | E/1984/7/Add.11 (E/1984/WG.1/ SR.17 and 21) | E/1986/4/Add.16 (E/C.12/1988/ SR.8-9) | Overdue |

Annex I (continued)

| State party | Date of entry into force | INITIAL REPORTS | | | SECOND PERIODIC REPORTS | | |
|---|---|---|---|---|---|---|---|
| | | Articles 6-9 | Articles 10-12 | Articles 13-15 | Articles 6-9 | Articles 10-12 | Articles 13-15 |
| | | (Summary records of consideration of reports) | | | | | |
| 35. Dominica | 17 September 1993 | Overdue | | | | | |
| 36. Dominican Republic | 4 April 1978 | E/1990/5/Add.4 (E/C.12/1990/SR.43-45 and 47) | | | E/1990/6/Add.7 (Pending consideration) | | |
| 37. Ecuador | 3 January 1976 | E/1978/8/Add.1 (E/1980/WG.1/ SR.4-5) | E/1986/3/Add.14<br>(E/C.12/1990/SR.37-39 and 42) | E/1988/5/Add.7 | E/1984/7/Add.12 (E/1984/WG.1/ SR.20 and 22) | Overdue | |
| 38. Egypt | 14 April 1982 | Overdue | | | | | |
| 39. El Salvador | 29 February 1980 | E/1990/5/Add.25 (Pending consideration) | | | | | |
| 40. Equatorial Guinea | 25 December 1987 | Overdue | | | | | |
| 41. Estonia | 21 January 1992 | Overdue | | | | | |
| 42. Ethiopia | 11 September 1993 | Overdue | | | | | |
| 43. Federal Republic of Yugoslavia (Serbia and Montenegro) | 3 January 1976 | E/1978/8/Add.35 (E/1982/WG.1/ SR.4-5) | E/1980/6/Add.30 (E/1983/WG.1/ SR.3) | E/1982/3/Add.39 (E/C.12/1988/ SR.14-15) | E/1984/7/Add.10 (E/1984/WG.1/ SR.16 and 18) | Overdue | Overdue |
| 44. Finland** | 3 January 1976 | E/1978/8/Add.14 (E/1980/WG.1/ SR.6) | E/1980/6/Add.11 (E/1981/WG.1/ SR.10) | E/1982/3/Add.28 (E/1984/WG.1/ SR.7-8) | E/1984/7/Add.14 (E/1984/WG.1/ SR.17-18) | E/1986/4/Add.4 (E/1986/WG.1/ SR.8-9 and 11) | E/1990/7/Add.1 (E/C.12/1991/ SR.11, 12 and 16) |
| 45. France | 4 February 1981 | E/1984/6/Add.11 (E/1986/WG.1/ SR.18-19 and 21) | E/1986/3/Add.10 (E/C.12/1989/ SR.12-13) | E/1982/3/Add.30 and Corr.1 (E/1985/WG.1/ SR.5 and 7) | Overdue | | |
| 46. Gabon | 21 April 1983 | Overdue | | | | | |

Annex I (continued)

| State party | Date of entry into force | INITIAL REPORTS | | | SECOND PERIODIC REPORTS | | |
|---|---|---|---|---|---|---|---|
| | | Articles 6-9 | Articles 10-12 | Articles 13-15 | Articles 6-9 | Articles 10-12 | Articles 13-15 |
| | | (Summary records of consideration of reports) | | | | | |
| 47. Gambia | 29 March 1979 | Overdue | | | | | |
| 48. Georgia | 3 August 1994 | Due on 30 June 1996 | | | | | |
| 49. Germany*** | 3 January 1976 | E/1978/8/Add.8 and Corr.1 (E/1980/WG.1/ SR.8)<br>E/1978/8/Add.11 (E/1980/WG.1/ SR.10) | E/1980/6/Add.6 (E/1981/WG.1/ SR.8)<br>E/1980/6/Add.10 (E/1981/WG.1/ SR.10) | E/1982/3/Add.15 and Corr.1 (E/1983/WG.1/ SR.5-6)<br>E/1982/3/Add.14 (E/1982/WG.1/ SR.17-18) | E/1984/7/Add.3 and 23 (E/1985/WG.1/ SR.12 and 16)<br>E/1984/7/Add.24 and Corr.1 (E/1986/WG.1/ SR.22-23 and 25) | E/1986/4/Add.11 (E/C.12/1987/ SR.11, 12 and 14)<br>E/1986/4/Add.10 (E/C.12/1987/ SR.19-20) | E/1990/7/Add.12 (E/C.12/1993/ SR.35, 36 and 46) |
| 50. Greece | 16 August 1985 | Overdue | | | | | |
| 51. Grenada | 6 December 1991 | Overdue | | | | | |
| 52. Guatemala | 19 August 1988 | E/1990/5/Add.24 (Pending consideration) | | | | | |
| 53. Guinea | 24 April 1978 | Overdue | | | | | |
| 54. Guinea-Bissau | 2 October 1992 | Overdue | | | | | |
| 55. Guyana | 15 May 1977 | E/1990/5/Add.27 (Pending consideration) | | E/1982/3/Add.5, 29 and 32 (E/1984/WG.1/ SR.20 and 22 and E/1985/WG.1/ SR.6) | | | |
| 56. Honduras | 17 May 1981 | Overdue | | | | | |
| 57. Hungary* | 3 January 1976 | E/1978/8/Add.7 (E/1980/WG.1/ SR.7) | E/1980/6/Add.37 (E/1986/WG.1/ SR.6-7 and 9) | E/1982/3/Add.10 (E/1982/WG.1/ SR.14) | E/1984/7/Add.15 (E/1984/WG.1/ SR.19 and 21) | E/1986/4/Add.1 (E/1986/WG.1/ SR.6-7 and 9) | E/1990/7/Add.10 (E/C.12/1992/ SR.9, 12 and 21) |

Annex I (continued)

| State party | Date of entry into force | INITIAL REPORTS | | | SECOND PERIODIC REPORTS | | |
|---|---|---|---|---|---|---|---|
| | | Articles 6-9 | Articles 10-12 | Articles 13-15 | Articles 6-9 | Articles 10-12 | Articles 13-15 |
| | | (Summary records of consideration of reports) | | | | | |
| 58. Iceland | 22 November 1979 | E/1990/5/Add.6 and 14 (E/C.12/1993/SR.30, 31 and 46) | | | Due on 30 June 1996 | | |
| 59. India | 10 July 1979 | E/1984/6/Add.13 (E/1986/WG.1/ SR.20 and 24) | E/1980/6/Add.34 (E/1984/WG.1/ SR.6 and 8) | E/1988/5/Add.5 (E/C.12/1990/ SR.16-17 and 19) | Overdue | | |
| 60. Iran (Islamic Republic of) | 3 January 1976 | E/1990/5/Add.9 (E/C.12/1993/SR.7-9 and 20) | | E/1982/3/Add.43 (E/C.12/1990/ SR.42, 43 and 45) | Overdue | | |
| 61. Iraq** | 3 January 1976 | E/1984/6/Add.3 and 8 (E/1985/WG.1/ SR.8 and 11) | E/1980/6/Add.14 (E/1981/WG.1/ SR.12) | E/1982/3/Add.26 (E/1985/WG.1/ SR.3-4) | | E/1986/4/Add.3 (E/1986/WG.1/ SR.8 and 11) | E/1990/7/Add.15 (E/C.12/1994/ SR.11 and 14) |
| 62. Ireland | 8 March 1990 | Overdue | | | | | |
| 63. Israel | 3 January 1992 | Overdue | | | | | |
| 64. Italy | 15 December 1978 | E/1978/8/Add.34 (E/1982/WG.1/ SR.3-4) | E/1980/6/Add.31 and 36 (E/1984/WG.1/ SR.3 and 5) | | E/1990/6/Add.2 (E/C.12/1992/SR.13, 14 and 21) | | |
| 65. Jamaica | 3 January 1976 | E/1978/8/Add.27 (E/1980/WG.1/ SR.20) | E/1986/3/Add.12 (E/C.12/1990/ SR.10-12 and 15) | E/1988/5/Add.3 (E/C.12/1990/ SR.10-12 and 15) | E/1984/7/Add.30 (E/C.12/1990/ SR.10-12 and 15) | Overdue | |

Annex I (continued)

| State party | Date of entry into force | INITIAL REPORTS | | | SECOND PERIODIC REPORTS | | |
|---|---|---|---|---|---|---|---|
| | | Articles 6-9 | Articles 10-12 | Articles 13-15 | Articles 6-9 | Articles 10-12 | Articles 13-15 |
| | | (Summary records of consideration of reports) | | | | | |
| 66. Japan | 21 September 1979 | E/1984/6/Add.6 and Corr.1 (E/1984/WG.1/ SR.9-10) | E/1986/3/Add.4 and Corr.1 (E/1986/WG.1/ SR.20-21 and 23) | E/1982/3/Add.7 (E/1982/WG.1/ SR.12-13) | Overdue | | |
| 67. Jordan | 3 January 1976 | E/1984/6/Add.15 (E/C.12/1987/ SR.6-8) | E/1986/3/Add.6 (E/C.12/1987/ SR.8) | E/1982/3/Add.38/ Rev.1 (E/C.12/1991/ SR.30-32) | Overdue | | |
| 68. Kenya | 3 January 1976 | E/1990/5/Add.18 | | | | | |
| 69. Kyrgyzstan | 7 January 1995 | Due on 30 June 1997 | | | | | |
| 70. Latvia | 14 July 1992 | Overdue | | | | | |
| 71. Lebanon | 3 January 1976 | E/1990/5/Add.16 (E/C.12/1993/SR.14, 16 and 21) | | | Overdue | | |
| 72. Lesotho | 9 December 1992 | Overdue | | | | | |
| 73. Libyan Arab Jamahiriya | 3 January 1976 | E/1990/5/Add.26 (Pending consideration) | | E/1982/3/Add.6 and 25 (E/1983/WG.1/ SR.16-17) | | | |
| 74. Lithuania | 20 February 1992 | Overdue | | | | | |
| 75. Luxembourg | 18 November 1983 | E/1990/5/Add.1 (E/C.12/1990/SR.33-36) | | | E/1990/6/Add.9 (Pending consideration) | | |

Annex I (continued)

| State party | Date of entry into force | INITIAL REPORTS | | | SECOND PERIODIC REPORTS | | |
|---|---|---|---|---|---|---|---|
| | | Articles 6-9 | Articles 10-12 | Articles 13-15 | Articles 6-9 | Articles 10-12 | Articles 13-15 |
| | | (Summary records of consideration of reports) | | | | | |
| 76. Madagascar | 3 January 1976 | E/1978/8/Add.29 (E/1981/WG.1/ SR.2) | E/1980/6/Add.39 (E/1986/WG.1/ SR.2-3 and 5) | Overdue | E/1984/7/Add.19 (E/1985/WG.1/ SR.14 and 18) | Overdue | Overdue |
| 77. Malawi | 22 March 1994 | Due on 30 June 1996 | | | | | |
| 78. Mali | 3 January 1976 | Overdue | | | | | |
| 79. Malta | 13 December 1990 | Overdue | | | | | |
| 80. Mauritius | 3 January 1976 | E/1990/5/Add.21 (E/C.12/1995/SR.40, 41 and 43) | | | | | |
| 81. Mexico | 23 June 1981 | E/1984/6/Add.2 and 10 (E/1986/WG.1/ SR.24, 26 and 28) | E/1986/3/Add.13 (E/C.12/1990/ SR.6, 7 and 9) | E/1982/3/Add.8 (E/1982/WG.1/ SR.14-15) | E/1990/6/Add.4 (E/C.12/1993/SR.32-35 and 49) | | |
| 82. Mongolia* | 3 January 1976 | E/1978/8/Add.6 (E/1980/WG.1/ SR.7) | E/1980/6/Add.7 (E/1981/WG.1/ SR.8-9) | E/1982/3/Add.11 (E/1982/WG.1/ SR.15-16) | E/1984/7/Add.6 (E/1984/WG.1/ SR.16 and 18) | E/1986/4/Add.9 (E/C.12/1988/ SR.5 and 7) | Overdue |
| 83. Morocco | 3 August 1979 | E/1990/5/Add.13 (E/C.12/1994/SR.8-10) | | | Overdue | | |
| 84. Namibia | 28 February 1995 | Due on 30 June 1997 | | | | | |
| 85. Nepal | 14 August 1991 | Overdue | | | | | |

Annex I (continued)

| State party | Date of entry into force | INITIAL REPORTS | | | SECOND PERIODIC REPORTS | | |
|---|---|---|---|---|---|---|---|
| | | Articles 6-9 | Articles 10-12 | Articles 13-15 | Articles 6-9 | Articles 10-12 | Articles 13-15 |
| | | (Summary records of consideration of reports) | | | | | |
| 86. Netherlands | 11 March 1979 | E/1984/6/Add.14 and 20 (E/C.12/1987/ SR.5-6) (E/C.12/1989/ SR.14-15) | E/1980/6/Add.33 (E/1984/WG.1/ SR.4-6 and 8) | E/1982/3/Add.35 and 44 (E/1986/WG.1/ SR.14 and 18) (E/C.12/1989/ SR.14-15) | Overdue | E/1986/4/Add.24 (E/C.12/1989/ SR.14-15) | Overdue |
| 87. New Zealand | 28 March 1979 | E/1990/5/Add.5, 11 and 12 (E/C.12/1993/SR.24, 25, 26 and 40) | | | Overdue | | |
| 88. Nicaragua | 12 June 1980 | E/1984/6/Add.9 (E/1986/WG.1/ SR.16-17 and 19) | E/1986/3/Add.15 (E/C.12/1993/ SR.27, 28 and 46) | E/1982/3/Add.31 and Corr.1 (E/1985/WG.1/ SR.15) | Overdue | | |
| 89. Niger | 7 June 1986 | Overdue | | | | | |
| 90. Nigeria | 29 October 1993 | Overdue | | | | | |
| 91. Norway** | 3 January 1976 | E/1978/8/Add.12 (E/1980/WG.1/ SR.5) | E/1980/6/Add.5 (E/1981/WG.1/ SR.14) | E/1982/3/Add.12 (E/1982/WG.1/ SR.16) | E/1984/7/Add.16 (E/1984/WG.1/ SR.19 and 22) | E/1986/4/Add.21 (E/C.12/1988/ SR.14-15) | E/1990/7/Add.7 (E/C.12/1992/ SR.4, 5 and 12) |
| 92. Panama | 8 June 1977 | E/1984/6/Add.19 (E/C.12/1991/ SR.3, 5 and 8) | E/1980/6/Add.20 and 23 (E/1982/WG.1/ SR.5) | E/1988/5/Add.9 (E/C.12/1991/ SR.3, 5 and 8) | Overdue | E/1986/4/Add.22 (E/C.12/1991/ SR.3, 5 and 8) | Overdue |
| 93. Paraguay | 10 September 1992 | E/1990/5/Add.23 (Pending consideration) | | | | | |
| 94. Peru | 28 July 1978 | E/1984/6/Add.5 (E/1984/WG.1/ SR.11 and 18) | E/1990/5/Add.29 (Pending consideration) | | | | |

Annex I (continued)

| State party | Date of entry into force | INITIAL REPORTS | | | SECOND PERIODIC REPORTS | | |
|---|---|---|---|---|---|---|---|
| | | Articles 6-9 | Articles 10-12 | Articles 13-15 | Articles 6-9 | Articles 10-12 | Articles 13-15 |
| | | (Summary records of consideration of reports) | | | | | |
| 95. Philippines | 3 January 1976 | E/1978/8/Add.4 (E/1980/WG.1/ SR.11) | E/1986/3/Add.17 (E/C.12/1995/ SR.11, 12 and 14) | E/1988/5/Add.2 (E/C.12/1990/ SR.8-9 and 11) | E/1984/7/Add.4 (E/1984/WG.1/ SR.15 and 20) | Overdue | |
| 96. Poland* | 18 June 1977 | E/1978/8/Add.23 (E/1980/WG.1/ SR.18-19) | E/1980/6/Add.12 (E/1981/WG.1/ SR.11) | E/1982/3/Add.21 (E/1983/WG.1/ SR.9-10) | E/1984/7/Add.26 and 27 (E/1986/WG.1/ SR.25-27) | E/1986/4/Add.12 (E/C.12/1989/ SR.5-6) | E/1990/7/Add.9 (E/C.12/1992/ SR.6, 7 and 15) |
| 97. Portugal | 31 October 1978 | | E/1980/6/Add.35/ Rev.1 (E/1985/WG.1/ SR.2 and 4) | E/1982/3/Add.27/ Rev.1 (E/1985/WG.1/ SR.6 and 9) | E/1990/6/Add.6 (E/C.12/1995/SR.7, 8 and 10)<br>E/1990/6/Add.8 (Macau) (Pending consideration) | | |
| 98. Republic of Korea | 10 July 1990 | E/1990/5/Add.19 (E/C.12/1995/SR.3, 4 and 6) | | | | | |
| 99. Republic of Moldova | 26 March 1993 | Overdue | | | | | |
| 100. Romania* | 3 January 1976 | E/1978/8/Add.20 (E/1980/WG.1/ SR.16-17) | E/1980/6/Add.1 (E/1981/WG.1/ SR.5) | E/1982/3/Add.13 (E/1982/WG.1/ SR.17-18) | E/1984/7/Add.17 (E/1985/WG.1/ SR.10 and 13) | E/1986/4/Add.17 (E/C.12/1988/ SR.6) | E/1990/7/Add.14 (E/C.12/1994/ SR.5, 7 and 13) |
| 101. Russian Federation** | 3 January 1976 | E/1978/8/Add.16 (E/1980/WG.1/ SR.14) | E/1980/6/Add.17 (E/1981/WG.1/ SR.14-15) | E/1982/3/Add.1 (E/1982/WG.1/ SR.11-12) | E/1984/7/Add.7 (E/1984/WG.1/ SR.9-10) | E/1986/4/Add.14 (E/C.12/1987/ SR.16-18) | E/1990/7/Add.8 (withdrawn) |
| 102. Rwanda | 3 January 1976 | E/1984/6/Add.4 (E/1984/WG.1/ SR.10 and 12) | E/1986/3/Add.1 (E/1986/WG.1/ SR.16 and 19) | E/1982/3/Add.42 (E/C.12/1989/ SR.10-12) | E/1984/7/Add.29 (E/C.12/1989/ SR.10-12) | Overdue | Overdue |
| 103. Saint Vincent and the Grenadines | 9 February 1982 | Overdue | | | | | |
| 104. San Marino | 18 January 1986 | Overdue | | | | | |

Annex I (continued)

| State party | Date of entry into force | INITIAL REPORTS | | | SECOND PERIODIC REPORTS | | |
|---|---|---|---|---|---|---|---|
| | | Articles 6-9 | Articles 10-12 | Articles 13-15 | Articles 6-9 | Articles 10-12 | Articles 13-15 |
| | | (Summary records of consideration of reports) | | | | | |
| 105. Senegal | 13 May 1978 | E/1984/6/Add.22 (E/C.12/1993/ SR.37, 38 and 49) | E/1980/6/Add.13/ Rev.1 (E/1981/WG.1/ SR.11) | E/1982/3/Add.17 (E/1983/WG.1/ SR.14-16) | Overdue | | |
| 106. Seychelles | 5 August 1992 | Overdue | | | | | |
| 107. Slovakia | 28 May 1993 | Overdue | | | | | |
| 108. Slovenia | 6 July 1992 | Overdue | | | | | |
| 109. Solomon Islands | 17 March 1982 | Overdue | | | | | |
| 110. Somalia | 24 April 1990 | Overdue | | | | | |
| 111. Spain** | 27 July 1977 | E/1978/8/Add.26 (E/1980/WG.1/ SR.20) | E/1980/6/Add.28 (E/1982/WG.1/ SR.7) | E/1982/3/Add.22 (E/1983/WG.1/ SR.10-11) | E/1984/7/Add.2 (E/1984/WG.1/ SR.12 and 14) | E/1986/4/Add.6 (E/1986/WG.1/ SR.10 and 13) | E/1990/7/Add.3 (E/C.12/1991/ SR.13, 14, 16 and 22) |
| 112. Sri Lanka | 11 September 1980 | Overdue | | | | | |
| 113. Sudan | 18 June 1986 | Overdue | | | | | |
| 114. Suriname | 28 March 1977 | E/1990/5/Add.20 (E/C.12/1995/SR.13, 15 and 16) | | | | | |
| 115. Sweden** | 3 January 1976 | E/1978/8/Add.5 (E/1980/WG.1/ SR.15) | E/1980/6/Add.8 (E/1981/WG.1/ SR.9) | E/1982/3/Add.2 (E/1982/WG.1/ SR.19-20) | E/1984/7/Add.5 (E/1984/WG.1/ SR.14 and 16) | E/1986/4/Add.13 (E/C.12/1988/ SR.10-11) | E/1990/7/Add.2 (E/C.12/1991/ SR.11-13 and 18) |
| 116. Switzerland | 18 September 1992 | Overdue | | | | | |

Annex I (continued)

| State party | Date of entry into force | INITIAL REPORTS | | | SECOND PERIODIC REPORTS | | |
|---|---|---|---|---|---|---|---|
| | | Articles 6-9 | Articles 10-12 | Articles 13-15 | Articles 6-9 | Articles 10-12 | Articles 13-15 |
| | | (Summary records of consideration of reports) | | | | | |
| 117. Syrian Arab Republic* | 3 January 1976 | E/1978/8/Add.25 and 31 (E/1983/WG.1/ SR.2) | E/1980/6/Add.9 (E/1981/WG.1/ SR.4) | | E/1990/6/Add.1 (E/C.12/1991/SR.7, 9 and 11) | | |
| 118. The former Yugoslav Republic of Macedonia | 17 September 1991 | Overdue | | | | | |
| 119. Togo | 24 August 1984 | Overdue | | | | | |
| 120. Trinidad and Tobago | 8 March 1979 | E/1984/6/Add.21 | E/1986/3/Add.11 | E/1988/5/Add.1 | Overdue | | |
| | | (E/C.12/1989/SR.17-19) | | | | | |
| 121. Tunisia | 3 January 1976 | E/1978/8/Add.3 (E/1980/WG.1/ SR.5-6) | E/1986/3/Add.9 (E/C.12/1989/ SR.9) | Overdue | Overdue | | |
| 122. Uganda | 21 April 1987 | Overdue | | | | | |
| 123. Ukraine** | 3 January 1976 | E/1978/8/Add.22 (E/1980/WG.1/ SR.18) | E/1980/6/Add.24 (E/1982/WG.1/ SR.5-6) | E/1982/3/Add.4 (E/1982/WG.1/ SR.11-12) | E/1984/7/Add.9 (E/1984/WG.1/ SR.13-15) | E/1986/4/Add.5 (E/C.12/1987/ SR.9-11) | E/1990/7/Add.11 (withdrawn) |
| 124. United Kingdom of Great Britain and Northern Ireland* | 20 August 1976 | E/1978/8/Add.9 and 30 (E/1980/WG.1/ SR.19 and E/1982/WG.1/ SR.1) | E/1980/6/Add.16 and Corr.1, Add.25 and Corr.1 and Add.26 (E/1981/WG.1/ SR.16-17) | E/1982/3/Add.16 (E/1982/WG.1/ SR.19-21) | E/1984/7/Add.20 (E/1985/WG.1/ SR.14 and 17) | E/1986/4/Add.23 (E/C.12/1989/ SR.16-17)<br>E/1986/4/Add.27 and 28 (E/C.12/1994/ SR.33, 34, 36 and 37) | E/1990/7/Add.16 (E/C.12/1994/ SR.33, 34, 36 and 37) |

Annex I (continued)

| State party | Date of entry into force | INITIAL REPORTS | | | SECOND PERIODIC REPORTS | | |
|---|---|---|---|---|---|---|---|
| | | Articles 6-9 | Articles 10-12 | Articles 13-15 | Articles 6-9 | Articles 10-12 | Articles 13-15 |
| | | (Summary records of consideration of reports) | | | | | |
| 125. United Republic of Tanzania | 11 September 1976 | Overdue | E/1980/6/Add.2 (E/1980/WG.1/ SR.5) | Overdue | | | |
| 126. Uruguay | 3 January 1976 | E/1990/5/Add.7 (E/C.12/1994/SR.3, 4, 6 and 13) | | | Overdue | | |
| 127. Uzbekistan | 28 December 1995 | Due on 30 June 1997 | | | | | |
| 128. Venezuela | 10 August 1978 | E/1984/6/Add.1 (E/1984/WG.1/ SR.7-8 and 10) | E/1980/6/Add.38 (E/1986/WG.1/ SR.2 and 5) | E/1982/3/Add.33 (E/1986/WG.1/ SR.12, 17 and 18) | Overdue | | |
| 129. Viet Nam | 24 December 1982 | E/1990/5/Add.10 (E/C.12/1993/SR.9-11 and 19) | | | Overdue | | |
| 130. Yemen | 9 May 1987 | Overdue | | | | | |
| 131. Zaire | 1 February 1977 | E/1984/6/Add.18 | E/1986/3/Add.7 | E/1982/3/Add.41 | Overdue | | |
| | | (E/C.12/1988/SR.16-19) | | | | | |
| 132. Zambia | 10 July 1984 | Overdue | E/1986/3/Add.2 (E/1986/WG.1/ SR.4-5 and 7) | Overdue | | | |
| 133. Zimbabwe | 13 August 1991 | E/1990/5/Add.28 (Pending consideration) | | | | | |

Annex I (continued)

* Third periodic report, which was due on 30 June 1994, has not yet been received.

** Third periodic report of Colombia (E/1994/104/Add.2) was considered at the thirteenth session (E/C.12/1995/SR.32, 33 and 35); third periodic report of Sweden (E/1994/104/Add.1) was considered at the twelfth session (E/C.12/1995/SR.13/Add.1, 15/Add.1 and 16); third periodic report of Norway (E/1994/104/Add.3) was considered at thirteenth session (E/C.12/1995/SR.34, 36 and 37); third periodic report of Ukraine (E/1994/104/Add.4) was considered at the thirteenth session (E/C.12/1995/SR.42, 44 and 45; third periodic report of Belarus was received on 15 June 1995 (E/1994/104/Add.6); third periodic report of Finland was received on 2 May 1995 (E/1994/104/Add.7); third periodic report of the Russian Federation was received on 31 July 1995 (E/1994/104/Add.8); third periodic report of Iraq was received on 15 December 1995 (E/1994/104/Add.9).

*** Third periodic report, which was due on 30 June 1995, has not yet been received.

## Annex II

## MEMBERSHIP OF THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

| Name of member | Country of nationality | Term expires on 31 December |
|---|---|---|
| Mr. Ade ADEKUOYE | Nigeria | 1998 |
| Mr. Mahmoud Samir AHMED | Egypt | 1998 |
| Mrs. Madoe Virginie AHODIKPE | Togo | 1996 |
| Mr. Philip ALSTON | Australia | 1998 |
| Mr. Juan ALVAREZ VITA | Peru | 1996 |
| Mrs. Virginia BONOAN-DANDAN | Philippines | 1998 |
| Mr. Dumitru CEAUSU | Romania | 1996 |
| Mr. Abdessatar GRISSA | Tunisia | 1996 |
| Mrs. María de los Angeles JIMENEZ BUTRAGUEÑO | Spain | 1996 |
| Mr. Valeri KOUZNETSOV | Russian Federation | 1998 |
| Mr. Jaime MARCHAN ROMERO | Ecuador | 1998 |
| Mr. Kenneth Osborne RATTRAY | Jamaica | 1996 |
| Mr. Bruno SIMMA | Germany | 1998 |
| Ms. Chikako TAYA | Japan | 1996 |
| Mr. Philippe TEXIER | France | 1996 |
| Mr. Nutan THAPALIA | Nepal | 1998 |
| Mrs. Margerita VYSOKAJOVA | Czech Republic | 1996 |
| Mr. Javier WIMER ZAMBRANO | Mexico | 1998 |

## Annex III

### A. AGENDA OF THE TWELFTH SESSION OF THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (1-19 May 1995)

1. Opening of the session.

2. Election of officers.

3. Adoption of the agenda.

4. Organization of work.

5. Submission of reports by States parties in accordance with articles 16 and 17 of the Covenant.

6. Consideration of reports:

    (a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant;

    (b) Reports submitted by specialized agencies in accordance with article 18 of the Covenant.

7. General discussion: "The interpretation and practical application of the obligations incumbent on States parties to the International Covenant on Economic, Social and Cultural Rights".

8. Relations with United Nations organs and other treaty bodies.

9. Formulation of suggestions and recommendations of a general nature based on the consideration of reports submitted by States parties to the Covenant and by the specialized agencies.

### B. AGENDA OF THE THIRTEENTH SESSION OF THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (20 November-8 December 1995)

1. Adoption of the agenda.

2. Organization of work.

3. Submission of reports by States parties in accordance with articles 16 and 17 of the Covenant.

4. Consideration of reports:

    (a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant;

    (b) Reports submitted by specialized agencies in accordance with article 18 of the Covenant.

5. General discussion: "Draft optional protocol to the International Covenant on Economic, Social and Cultural Rights".

6. Relations with United Nations organs and other treaty bodies.

7. Formulation of suggestions and recommendations of a general nature based on the consideration of reports submitted by States parties to the Covenant and by the specialized agencies.

8. Report of the Committee to the Economic and Social Council.

## Annex IV

## GENERAL COMMENT NO. 6 (1995)*

## The economic, social and cultural rights of older persons

### 1. Introduction

1. The world population is ageing at a steady, quite spectacular rate. The total number of persons aged 60 and above rose from 200 million in 1950 to 400 million in 1982 and is projected to reach 600 million in the year 2001 and 1.2 billion by the year 2025, at which time over 70 per cent of them will be living in what are today's developing countries. The number of people aged 80 and above has grown and continues to grow even more dramatically, rising from 13 million in 1950 to over 50 million today, and is projected to increase to 137 million in 2025. This is the fastest growing population group in the world, projected to increase by a factor of 10 between 1950 and 2025, compared with a factor of six for the group aged 60 and above and a factor of little more than three for the total population. 1/

2. These figures are illustrations of a quiet revolution, but one which has far-reaching and unpredictable consequences and which is now affecting the social and economic structures of societies both at the world level and at the country level, and will affect them even more in the future.

3. Most of the States parties to the Covenant, and the industrialized countries in particular, are faced with the task of adapting their social and economic policies to the ageing of their populations, especially as regards social security. In the developing countries, the absence or deficiencies of social security coverage are being aggravated by the emigration of the younger members of the population and the consequent weakening of the traditional role of the family, the main support of older people.

### 2. Internationally endorsed policies in relation to older persons

4. In 1982, the World Assembly on Ageing adopted the International Plan of Action on Ageing. This important document was endorsed by the General Assembly and is a very useful guide, for it details the measures that should be taken by Member States to safeguard the rights of older persons within the context of the rights proclaimed by the International Covenants on Human Rights. It contains 62 recommendations, many of which are of direct relevance to the International Covenant on Economic, Social and Cultural Rights. 2/

5. In 1991, the General Assembly adopted the United Nations Principles for Older Persons, which, because of their programmatic nature, also constitute an important document in the present context. 3/ The Principles are divided

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* Adopted at the thirteenth session (39th meeting), on 24 November 1995.

into five sections which correlate closely to the rights recognized in the Covenant. The section entitled "Independence" includes access to adequate food, water, shelter, clothing and health care. To these basic rights are added the opportunity for remunerated work and access to education and training. Under "Participation", it is stated that older persons should participate actively in the formulation and implementation of policies that affect their well-being and share their knowledge and skills with younger generations, and should be able to form movements and associations. The section headed "Care" proclaims that older persons should benefit from family care and health care and be able to enjoy human rights and fundamental freedoms when residing in a shelter, care or treatment facility. With regard to "Self-fulfilment", the Principles state that older persons should be able to pursue opportunities for the full development of their potential through access to the educational, cultural, spiritual and recreational resources of their societies. Lastly, the section entitled "Dignity" states that older persons should be able to live in dignity and security and be free of exploitation and physical or mental abuse, should be treated fairly, regardless of age, gender, racial or ethnic background, disability or other status, and should be valued independently of their economic contribution.

6. In 1992, the General Assembly adopted eight global targets on ageing for the year 2001 and a brief guide for setting national targets. In a number of important respects, these global targets serve to reinforce the obligations of States parties to the Covenant. 4/

7. Also in 1992, and in commemoration of the tenth anniversary of the adoption of the International Plan of Action on Ageing, the General Assembly adopted the Proclamation on Ageing, in which it urged support of national initiatives on ageing so that older women are given adequate support for their largely unrecognized contributions to society and older men are encouraged to develop social, cultural and emotional capacities which they may have been prevented from developing during breadwinning years; so that families are supported in providing care and all family members encouraged to cooperate in caregiving; and so that international cooperation is expanded in the context of the strategies for reaching the global targets on ageing for the year 2001. It also proclaimed the year 1999 as the International Year of Older Persons in recognition of humanity's demographic "coming of age". 5/

8. The United Nations specialized agencies, especially ILO, have also given attention to the problem of ageing in their respective fields of competence.

### 3. The rights of older persons in relation to the International Covenant on Economic, Social and Cultural Rights

9. The terminology used to describe older persons varies considerably, even in international documents. It includes: "older persons", "the aged", "the elderly", "the third age", "the ageing" and, to denote persons more than 80 years of age, "the fourth age". The Committee has opted for "older persons" (in French, *personnes âgées*; in Spanish, *personas mayores*), the term employed in General Assembly resolutions 47/5 and 48/98. According to the practice in the United Nations statistical services, these terms cover persons aged 60 and above. (The statistical service of the European Union, Eurostat,

considers "older persons" to mean persons aged 65 or above, since 65 is the most common age of retirement and the trend is towards later retirement still.)

10. The International Covenant on Economic, Social and Cultural Rights does not contain any explicit reference to the rights of older persons, although article 9, dealing with "the right of everyone to social security, including social insurance", implicitly recognizes the right to old-age benefits. Nevertheless, in view of the fact that the Covenant's provisions apply fully to all members of society, it is clear that older persons are entitled to enjoy the full range of rights recognized in the Covenant. This approach is also fully reflected in the International Plan of Action on Ageing. Moreover, in so far as respect for the rights of older persons requires special measures to be taken, States parties are required by the Covenant to do so to the maximum of their available resources.

11. Another important issue is whether discrimination on the basis of age is prohibited by the Covenant. Neither the Covenant nor the Universal Declaration of Human Rights refers explicitly to age as one of the prohibited grounds. Rather than being seen as an intentional exclusion, this omission is probably best explained by the fact that, when these instruments were adopted, the problem of demographic ageing was not as evident or as pressing as it is now.

12. This is not determinative of the matter, however, since the prohibition of discrimination on the grounds of "other status" could be interpreted as applying to age. The Committee notes that, while it may not yet be possible to conclude that discrimination on the grounds of age is comprehensively prohibited by the Covenant, the range of matters in relation to which such discrimination can be accepted is very limited. Moreover, it must be emphasized that the unacceptableness of discrimination against older persons is underlined in many international policy documents and is confirmed in the legislation of the vast majority of States. In the few areas in which discrimination continues to be tolerated, such as in relation to mandatory retirement ages or access to tertiary education, there is a clear trend towards the elimination of such barriers. The Committee is of the view that States parties should seek to expedite this trend to the greatest extent possible.

13. Accordingly, the Committee on Economic, Social and Cultural Rights is of the view that States parties to the Covenant are obligated to pay particular attention to promoting and protecting the economic, social and cultural rights of older persons. The Committee's own role in this regard is rendered all the more important by the fact that, unlike the case of other population groups such as women and children, no comprehensive international convention yet exists in relation to the rights of older persons and no binding supervisory arrangements attach to the various sets of United Nations principles in this area.

14. By the end of its thirteenth session, the Committee and its predecessor, the Sessional Working Group of Governmental Experts, had examined 153 initial reports, 71 second periodic reports and 25 global reports on articles 1 to 15 of the Covenant. This work made it possible to identify many of the problems that may be encountered in implementing the Covenant in a considerable number

of States parties representing all the regions of the world and having different political, socio-economic and cultural systems. The reports examined to date have not provided any information in a systematic way on the situation of older persons as regards compliance with the Covenant, apart from information, of varying completeness, on the implementation of article 9 relating to the right to social security.

15. In 1993, the Committee devoted a day of general discussion to this issue to assist it in formulating its views. Moreover, it has, at recent sessions, begun to attach substantially more importance to information on the rights of older persons and its questioning has elicited some very valuable information in some instances. Nevertheless, the Committee notes that the great majority of States parties' reports continue to make little reference to this important issue. It therefore wishes to indicate that, in future, it will insist that the situation of older persons in relation to each of the rights recognized in the Covenant should be adequately addressed in all reports. The remainder of this General Comment identifies the specific issues which are relevant in this regard.

### 4. General obligations of States parties

16. Older persons as a group are as heterogeneous and varied as the rest of the population and their situation depends on a country's economic and social situation, on demographic, environmental, cultural and employment factors and, at the individual level, on the family situation, the level of education, the urban or rural environment, and the occupation of workers and retirees.

17. Side by side with older persons who are in good health and whose financial situation is acceptable, there are many who do not have adequate means of support, even in developed countries, and who feature prominently among the most vulnerable, marginal and unprotected groups. In times of recession and of restructuring of the economy, older persons are particularly at risk. As the Committee has previously stressed (General Comment No. 3 (1990), para. 12), even in times of severe resource constraints, States parties have the duty to protect the vulnerable members of society.

18. The methods that States parties use to fulfil the obligations they have assumed under the Covenant in respect of older persons will be basically the same as those for the fulfilment of other obligations (see General Comment No. 1 (1989)). They include the need to determine the nature and scope of problems within a State through regular monitoring, the need to adopt properly designed policies and programmes to meet requirements, the need to enact legislation when necessary and to eliminate any discriminatory legislation, and the need to ensure the relevant budget support or, as appropriate, to request international cooperation. In the latter connection, international cooperation in accordance with articles 22 and 23 of the Covenant may be a particularly important way of enabling some developing countries to fulfil their obligations under the Covenant.

19. In this context, attention may be drawn to Global target No. 1, adopted by the General Assembly in 1992, which calls for the establishment of national support infrastructures to promote policies and programmes on ageing in national and international development plans and programmes. In this regard, the Committee notes that one of the United Nations Principles for Older

Persons which Governments were encouraged to incorporate into their national programmes is that older persons should be able to form movements or associations of older persons.

## 5. Specific provisions of the Covenant

### Equal rights of men and women (art. 4)

20. In accordance with article 3 of the Covenant, by which States parties undertake "to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights", the Committee considers that States parties should pay particular attention to older women who, because they have spent all or part of their lives caring for their families without engaging in a remunerated activity entitling them to an old-age pension, and who are also not entitled to a widow's pension, are often in critical situations.

21. To deal with such situations and comply fully with article 9 of the Covenant and paragraph 2 (h) of the Proclamation on Ageing, States parties should institute non-contributory old-age benefits or other assistance for all persons, regardless of their sex, who find themselves without resources on attaining an age specified in national legislation. Given their greater life expectancy and the fact that it is more often they who have no contributory pensions, women would be the principal beneficiaries.

### Rights relating to work (arts. 6-8)

22. Article 6 of the Covenant requires States parties to take appropriate steps to safeguard the right of everyone to the opportunity to gain a living by work which is freely chosen or accepted. In this regard, the Committee, bearing in mind that older workers who have not reached retirement age often encounter problems in finding and keeping jobs, stresses the need for measures to prevent discrimination on grounds of age in employment and occupation. 6/

23. The right "to the enjoyment of just and favourable conditions of work" (art. 7 of the Covenant) is of special importance for ensuring that older workers enjoy safe working conditions until their retirement. In particular, it is desirable to employ older workers in circumstances in which the best use can be made of their experience and know-how. 7/

24. In the years preceding retirement, retirement-preparation programmes should be implemented, with the participation of representative organizations of employers and workers and other bodies concerned, to prepare older workers to cope with their new situation. Such programmes should, in particular, provide older workers with information about their rights and obligations as pensioners; the opportunities and conditions for continuing an occupational activity or undertaking voluntary work; means of combating detrimental effects of ageing; facilities for adult education and cultural activities; and the use of leisure time. 8/

25. The rights protected by article 8 of the Covenant, namely trade union rights, including after retirement age, must be applied to older workers.

## Right to social security (art. 9)

26. Article 9 of the Covenant provides generally that States parties "recognize the right of everyone to social security", without specifying the type or level of protection to be guaranteed. However, the term "social security" implicitly covers all the risks involved in the loss of means of subsistence for reasons beyond a person's control.

27. In accordance with article 9 of the Covenant and the provisions concerning implementation of the ILO social security conventions - Convention No. 102 (1952) concerning Social Security (Minimum Standards) and Convention No. 128 (1967) concerning Invalidity, Old-Age and Survivors' Benefits - States parties must take appropriate measures to establish general regimes of compulsory old-age insurance, starting at a particular age, to be prescribed by national law.

28. In keeping with the recommendations contained in the two ILO Conventions mentioned above and with ILO Recommendation No. 162 concerning Older Workers, the Committee invites States parties to establish retirement age so that it is flexible, depending on the occupations performed and the working ability of elderly persons, with due regard to demographic, economic and social factors.

29. In order to give effect to the provisions of article 9 of the Covenant, States parties must guarantee the provision of survivors' and orphans' benefits on the death of the breadwinner who was covered by social security or receiving a pension.

30. Furthermore, as already observed in paragraphs 20 and 21 above, in order fully to implement the provisions of article 9 of the Covenant, States parties should, within the limits of available resources, provide non-contributory old-age benefits and other assistance for all older persons who, when reaching the age prescribed in national legislation, have not completed a qualifying period of contribution and are not entitled to an old-age pension or other social security benefits or assistance and have no other source of income.

## Protection of the family (art. 10)

31. In accordance with article 10, paragraph 1, of the Covenant and recommendations 25 and 29 of the International Plan of Action on Ageing, States parties should make all the necessary efforts to support, protect and strengthen the family and help it, in accordance with each society's system of cultural values, to respond to the needs of its dependent ageing members. Recommendation 29 encourages Governments and non-governmental organizations to establish social services to support the whole family when there are elderly people at home and to implement measures especially for low-income families who wish to keep elderly people at home. This assistance should also be provided for persons living alone or elderly couples wishing to remain at home.

## Right to an adequate standard of living (art. 11)

32. Principle 1 of the United Nations Principles for Older Persons, which stands at the beginning of the section relating to the independence of older persons, provides that: "Older persons should have access to adequate food,

water, shelter, clothing and health care through the provision of income, family and community support and self-help." The Committee attaches great importance to this principle, which demands for older persons the rights contained in article 11 of the Covenant.

33. Recommendations 19 to 24 of the International Plan of Action on Ageing emphasize that housing for the elderly must be viewed as more than mere shelter and that, in addition to the physical, it has psychological and social significance which should be taken into account. Accordingly, national policies should help elderly persons to continue to live in their own homes as long as possible, through the restoration, development and improvement of homes and their adaptation to the ability of those persons to gain access to and use them (recommendation 19). Recommendation 20 stresses the need for urban rebuilding and development planning and law to pay special attention to the problems of the ageing, assisting in securing their social integration. Recommendation 22 draws attention to the need to take account of the functional capacity of the elderly in order to provide them with a better living environment and facilitate mobility and communication through the provision of adequate means of transport.

## Right to physical and mental health (art. 12)

34. With a view to the realization of the right of older persons to the enjoyment of a satisfactory standard of physical and mental health, in accordance with article 12, paragraph 1, of the Covenant, States parties should take account of the content of recommendations 1 to 17 of the International Plan of Action on Ageing, which focus entirely on providing guidelines on health policy to preserve the health of the elderly and take a comprehensive view, ranging from prevention and rehabilitation to the care of the terminally ill.

35. Clearly, the growing number of chronic, degenerative diseases and the high hospitalization costs they involve cannot be dealt with only by curative treatment. In this regard, States parties should bear in mind that maintaining health into old age requires investments during the entire life-span, basically through the adoption of healthy lifestyles (food, exercise, elimination of tobacco and alcohol, etc.). Prevention, through regular checks suited to the needs of older persons, plays a decisive role, as does rehabilitation, by maintaining the functional capacities of older persons, with a resulting decrease in the cost of investments in health care and social services.

## Right to education and culture (arts. 13-15)

36. Article 13, paragraph 1, of the Covenant recognizes the right of everyone to education. In the case of older persons, this right must be approached from two different and complementary points of view: (a) the right of older persons to benefit from educational programmes; (b) making the know-how and experience of older persons available to younger generations.

37. With regard to the former, States parties should take account of: (a) the recommendation in principle 4 of the United Nations Principles for Older Persons to the effect that older persons should have access to suitable education programmes and training and should, therefore, on the basis of their

preparation, abilities and motivation, be given access to the various levels of education through the adoption of appropriate measures regarding literacy training, lifelong education, access to university, etc.;
(b) recommendation 47 of the International Plan of Action on Ageing, which, in accordance with the concept of lifelong education promulgated by the UNESCO, recommends informal, community-based and recreation-oriented programmes for older persons in order to develop their sense of self-reliance and community responsibility. Such programmes should enjoy the support of national Governments and international organizations.

38. With regard to use of the know-how and experience of older persons, as referred to in the recommendations of the International Plan of Action on Ageing dealing with education (paras. 74-76), attention is drawn to the important role that elderly and old persons still play in most societies as the transmitters of information, knowledge, traditions and spiritual values and to the fact that this important tradition should not be lost. Consequently, the Committee attaches particular importance to the message contained in recommendation 44 of the Plan of Action: "Educational programmes featuring the elderly as the teachers and transmitters of knowledge, culture and spiritual values should be developed."

39. In article 15, paragraph 1 (a) and (b), of the Covenant, States parties recognize the right of everyone to take part in cultural life and to enjoy the benefits of scientific progress and its applications. In this respect, the Committee urges States parties to take account of the recommendations contained in the United Nations Principles for Older Persons, in particular principle 7: "Older persons should remain integrated in society, participate actively in the formulation and implementation of policies that directly affect their well-being and share their knowledge and skills with younger generations"; and principle 16: "Older persons should have access to the educational, cultural, spiritual and recreational resources of society".

40. Similarly, recommendation 48 of the International Plan of Action on Ageing encourages Governments and international organizations to support programmes aimed at providing older persons with easier physical access to cultural institutions (museums, theatres, concert halls, cinemas, etc.).

41. Recommendation 50 of the Plan of Action stresses the need for Governments, non-governmental organizations and older persons themselves to make efforts to overcome negative stereotyped images of older persons as suffering from physical and psychological disabilities, incapable of functioning independently and having neither role nor status in society. These efforts, in which the media and educational institutions should also take part, are essential for achieving a society that champions the full integration of older persons.

42. With regard to the right to enjoy the benefits of scientific progress and its applications, States parties should take account of recommendations 60, 61 and 62 of the International Plan of Action on Ageing and make efforts to promote research on the biological, mental and social aspects of ageing and on ways of maintaining functional capacities and preventing and delaying the start of chronic illnesses and disabilities. In this connection, it is recommended that States, intergovernmental organizations and non-governmental

organizations should establish institutions specializing in the teaching of gerontology, geriatrics and geriatric psychology in countries where such institutions do not exist.

## Notes

1/ See "Global targets on ageing for the year 2001: a practical strategy", report of the Secretary-General (A/47/339), para. 5.

2/ See Report of the World Assembly on Ageing, Vienna, 26 July to 6 August 1982 (United Nations publication, Sales No. E.82.I.16), chap. VI.

3/ See General Assembly resolution 46/91 of 16 December 1991, entitled "Implementation of the International Plan of Action on Ageing and related activities", annex.

4/ See "Global targets on ageing for the year 2001: a practical strategy", report of the Secretary-General (A/47/339), sects. III and IV.

5/ See General Assembly resolution 47/5 of 16 October 1992, entitled "Proclamation on Ageing", annex.

6/ See ILO Recommendation No. 162 (1980) concerning Older Workers, paras. 3-10.

7/ Ibid, paras. 11-19.

8/ Ibid, para. 30.

## GENERAL BIBLIOGRAPHY

Albouy, François-Xavier et D. Kessler. Un système de retraite européen: une utopie réalisable? Revue française des affaires sociales, numéro hors-série, novembre 1989.

Aranguren, José Luis. La vejez como autorrealización personal y social. Madrid, Ministerio de Asuntos Sociales, 1992.

Beauvoir, Simone de. La vieillesse. Gallimard, 1970 (Edhasa, 1983).

Cebrián Badia, Francisco Javier. La jubilación forzosa del trabajador y su derecho al trabajo. Actualidad laboral (Madrid) 14, 1991.

Commission des Communautés européennes. L'Europe dans le mouvement démographique (Mandat du 21 juin 1989). Bruxelles, juin 1990.

Durán Heras, Almudena. Anticipo de la jubilación en España. Revista de seguridad social (Madrid) 41, 1989.

Fuentes, C. Josefa. Situación social del anciano. Alcalá de Henares, 1975.

Fundación Europea para la Mejora de las Condiciones de Vida y de Trabajo. Informe anual 1989. Luxemburgo, Oficina de Publicaciones Oficiales de las Comunidades Europeas, 1990.

Girard, Paulette. Vieillissement et emploi, vieillissement et travail. Haut Conseil de la population et de la famille. Documentation française, 1989.

Guillemard, Anne-Marie. Análisis de las políticas de vejez en Europa. Madrid, Ministerio de Asuntos Sociales, 1992.

__________. Emploi, protection sociale et cycle de vie: résultat d'une comparaison internationale des dispositifs de sortie anticipée d'activité. Sociologie du travail (Paris) 3, 1993.

H. Draus, Renate. Le troisième âge en République fédérale d'Allemagne. Observations et diagnostics économiques 22, janvier 1988.

Hermanova, Hana. Envejecer con salud en Europa en los años 90. Jornadas europeas sobre personas mayores, Alicante, 1993.

ILO. Trabajadores de edad madura: trabajo y jubilación. 65a. Reunión de la Conferencia Internacional del Trabajo. Ginebra, 1965.

ILO. De la pirámide al pilar de población: los cambios en la población y la seguridad social. Informes OIT. Madrid, Ministerio de Trabajo y Seguridad Social, 1990.

ILO. Le BIT et les personnes âgées. Genève, 1992.

INSERSO (Instituto Nacional de Servicios Sociales). La tercera edad en Europa: necesidades y demandas. Madrid, Ministerio de Asuntos Sociales, 1989.

__________. La tercera edad en España: necesidades y demandas. Madrid, Ministerio de Asuntos Sociales, 1990.

__________. La tercera edad en España: aspectos cuantitativos. Madrid, Ministerio de Asuntos Sociales, 1989.

ISE (Instituto Sindical Europeo). Los jubilados en Europa Occidental: desarrollo y posiciones sindicales. Bruselas, 1988.

Lansley, John y Maggie Pearson. Preparación a la jubilación en los países de la Comunidad Europea. Seminario celebrado en Francfort del Main, 10 a 12 de octubre de 1988. Luxemburgo, Oficina de Publicaciones Oficiales de las Comunidades Europeas, 1989.

Martínez-Fornes, Santiago, Envejecer en el año 2000. Madrid, Ministerio de Asuntos Sociales, 1991.

Minois, George. Historia de la vejez: de la antigüedad al renacimiento. Madrid, Editorial Nerea, 1989.

OECD. Flexibilité de l'âge de la retraite. Paris, 1970.

OECD. Indicadores sociales. Informes OCDE. Madrid, Ministerio de Trabajo y Seguridad Social, 1985.

OECD. El futuro de la protección social y el envejecimiento de la población. Informes OCDE. Madrid, Ministerio de Trabajo y Seguridad Social, 1990.

Simposio de Gerontología de Castilla-León. Hacia una vejez nueva. I Simposio de Gerontología de Castilla-León, 5 a 8 de mayo de 1988. Salamanca, Fundación Friedrich Ebert, 1988.

Spain. Ministerio de Trabajo. Seminario sobre trabajadores de edad madura. Madrid, 1968.

Uceda Povedano, Josefina. La jubilación: reflexiones en torno a la edad de jubilación en la CEE, especial referencia al caso español. Madrid, Escuela Social, 1988.

UNDP. Desarrollo Humano. Informe 1990. Bogotá, Tercer Mundo Editores, 1990.

Vellas, Pierre. Législation sanitaire et les personnes agées. OMS, Publications régionales. (Série européenne, no. 33)

## Annex V

# REPORT ON THE TECHNICAL ASSISTANCE MISSION TO PANAMA OF THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

(16-22 April 1995)

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## Introduction

1. The Committee on Economic, Social and Cultural Rights, established by the Economic and Social Council to monitor the implementation by States parties of the International Covenant on Economic, Social and Cultural Rights, considered reports submitted by Panama (E/1984/6/Add.19, E/1988/5/Add.9, E/1986/4/Add.22 and E/1989/5/Add.5) at its sixth session, in 1991.

2. The Committee expressed appreciation for the reports, noting that they had been submitted against the background of the extraordinary circumstances in the country resulting from political turmoil and the aftermath of the invasion by the United States of America in 1989 - a situation that had created great disorder in all sectors throughout the country with serious consequences for the enjoyment of economic, social and cultural rights. At the same time the Committee expressed concern that a number of questions relating to housing rights and evictions had not been satisfactorily answered by the State party representative. The Committee's concerns in this regard related in particular to the following:

> The Government's claim that 3,000 persons had been affected by the bombing of El Chorillo differed substantially from the number reported by other sources, which placed the figure at between 12,500 and 20,000 persons. This disparity was of serious concern to the Committee in view of the Government's obligations under the Covenant.
>
> The responses given by the State party to questions concerning the living conditions of residents of El Chorillo made homeless by the bombing differed substantially from other information available to the Committee. That information included many complaints by residents who had received alternative accommodation to the effect that they had to travel long distances to and from their places of employment on relatively expensive public transportation and that the overall quality of the housing at the resettlement sites was poor. Moreover, two years after the invasion, a large number of persons had yet to be rehoused.
>
> The justification provided by the Government for the forcible removal of over 5,000 persons from their homes by the Panamanian and United States forces in Tocumen, San Miguelito and Panama Viejo in early 1990 was unacceptable under the terms of the Covenant. The Committee was concerned in particular that a large number of houses had been demolished and that the evictions had not been accompanied by legal eviction orders, which not only infringed upon the right to adequate housing but also on the inhabitants' rights to privacy and security of the home.

3. At its seventh session, in 1992, the Committee considered additional information (E/1989/5/Add.8) submitted by the Government of Panama subsequent to the consideration by the Committee of the reports of Panama at its sixth session, in 1991.

4. The Committee expressed appreciation to the Government of Panama for having responded quickly and thoroughly to its request for additional information. It indicated, however, that that information referred to legal norms rather than to their practical application. In particular, with regard to the right to adequate housing, the Committee was of the opinion that the

additional information did not refer to the content of article 11 of the Covenant and that no information was provided on the procedures established for distributing the compensation received from the Government of the United States of America, on the situation regarding housing in rural areas or on the housing situation of indigenous peoples.

5. In view of the fact that a number of important questions raised earlier by the Committee could not be satisfactorily answered during the consideration of Panama's supplementary report at the Committee's seventh session, the Committee decided, in accordance with its procedures for follow-up action, to offer to send one or two of its members to Panama to advise the Government in relation to the matters identified in paragraph 135 of its report on its sixth session (E/1992/23).

6. In its decision 1993/294, adopted on 28 July 1993, the Economic and Social Council endorsed the Committee's offer. The decision reads as follows:

> "At its 44th plenary meeting, on 28 July 1993, the Economic and Social Council took note of the decision of the Committee on Economic, Social and Cultural Rights to inform the Government of Panama of its offer, in accordance with the procedures for follow-up action adopted at the Committee's seventh session and in pursuance of article 23 of the International Covenant on Economic, Social and Cultural Rights, to send one or two of its members to pursue its dialogue with the Government in relation to the matters identified in the report on its sixth session. The Council approved the Committee's action, subject to the acceptance of the Committee's offer by the State party concerned."

7. In a letter dated 17 September 1993, the Chairperson of the Committee informed the Government of Panama of the above decision.

8. In a note verbale dated 27 January 1994, the Government of Panama informed the Committee that:

> "The Government of the Republic of Panama is grateful for the offer made in Economic and Social Council decision 1993/294 and wishes to communicate its decision to decline the offer, this not being the most appropriate or convenient time to receive such advice."

9. At its tenth session, in May 1994, the Committee considered further information submitted by the Government of Panama and decided to continue its dialogue with the State party regarding its implementation of the right to housing at its eleventh session (21 November-9 December 1994), with a view to adopting concluding observations.

10. On 6 December 1994, during its eleventh session, the Committee heard a statement by the Permanent Representative of Panama to the United Nations Office at Geneva in which he indicated that the Government of Panama accepted the offer of the Committee to send two of its members to pursue its dialogue with the Government in relation to the matters identified by the Committee at its sixth to eleventh sessions.

11. The Committee expressed its appreciation to the Government of Panama for its readiness and willingness to cooperate and established, inter alia, the following parameters and guidelines for the mission:

The Committee should be represented by Mr. Philippe Texier and Mr. Javier Wimer Zambrano and be assisted on the mission by the Centre for Human Rights;

The mission should take place preferably before the Committee's twelfth session, ideally in March or at the beginning of April 1995;

The mission should focus on the implementation of the right to housing (art. 11, para. 1, of the Covenant), but this should not prevent members of the Committee from accepting information on other matters which might be relevant to the Committee's eventual consideration of Panama's next periodic report;

The mission should meet the government authorities responsible for housing questions and should also seek the views of institutions liable to become involved in housing problems in one capacity or another, such as judicial authorities, national, regional or local administrations, representatives of civil society (non-governmental organizations, churches, universities, etc.) and other qualified individuals or institutions;

The mission should be able to make on-the-spot visits, particularly to areas where urban development schemes are planned, where evictions have taken place or where housing conditions are inadequate;

The mission's objectives should be to gain a more precise idea of the housing situation in Panama and to pursue a dialogue with the Government and civil society with a view to securing the best possible implementation of the Covenant in the area of housing;

The confidential report on the mission should be considered by the Committee in private and subsequently adopted for public release.

12. It was further decided that the agenda for the mission should be prepared in consultation with the Government of Panama, the Centre for Human Rights, the two experts and possibly the Chairperson of the Committee, as well as with bodies representative of civil society.

13. In preparing the mission, information was sought and received from the following sources:

United Nations organs: UNDP, United Nations Centre for Human Settlements (HABITAT), ECLAC and the UNHCR;

Specialized agencies: ILO, World Bank and IMF;

Regional organizations: Inter-American Commission on Human Rights and Inter-American Development Bank;

Non-governmental organizations: Habitat International Coalition, Comisión Nacional de Derechos Humanos en Panama (CONADEHUPA), Centre for Social Training (Panama), Central American Human Rights Commission, Comisión Americana de Juristas, Coordinadora Popular de Derechos Humanos en Panama, Service Peace and Justice in Latin America, Congreso General Ngõbe-Buglé, Asociaciones de moradores de San Miguelito, Sagrada Resurrección, Felipillo and others.

14. The mission took place from 16 to 22 April 1995. The two members of the mission were accompanied during their visits, with the consent of the Government, by the Executive Secretary of Habitat International Coalition.

15. The Government of Panama provided the mission with all required information, facilitated access to the areas of interest for the mission, helped to organize various meetings with the representatives of regional and municipal authorities, non-governmental organizations, the church and academic institutions both in Panama City and Colón, and cooperated with the mission in a constructive and open manner, which was highly appreciated by the members of the mission.

16. A detailed schedule of the mission's meetings and activities is contained in annex I. Statistical data on housing issues are contained in annexes II to VII.

## I. REPORT OF THE MISSION

### A. General context

17. Panama is a country whose development is relatively advanced and which now ranks forty-seventh in the world. It has some particular features that are probably the result of the existence and operation of the Panama Canal since the beginning of the century. The tertiary sector in Panama is therefore much larger than in neighbouring Central American countries, since it accounts for 75 per cent of GDP. However, enormous social inequalities are evident throughout the country, and in particular in the city of Colón, where the coexistence of very great wealth and very great poverty is quite striking.

18. In a document prepared for the World Summit for Social Development, the Government reports one of the worst distributions of income in the world and very high rates of unemployment and underemployment, estimating that about half the population of the country lives in poverty.

19. The indigenous population, which is composed of five ethnic groups, accounts for between 8 and 10 per cent of the population, i.e. some 200,000 persons out of a total of approximately 2.4 or 2.5 million, according to the latest census. It is one of the poorest and most vulnerable sectors of society.

20. The population is characterized by very uneven geographical distribution: it is heavily concentrated in urban areas, especially around the capital, and thinly spread out in rural areas. This trend towards flight from the land will probably not decline and can only speed up the processes of unemployment, underemployment, increased poverty and land take-overs if measures are not taken to reverse it.

21. In this general context, the United States invasion of 20 December 1989 caused the destruction of hundreds of dwellings in two of the most heavily populated districts of the capital, thus worsening the already critical housing problem.

22. During the period 1990-1993, the average annual growth rate was, however, about 8 per cent and real per capita income was 6.3 per cent, with growth taking place primarily in the services sector and in the capital and the Canal Zone. Macroeconomic indicators show that the national economy was making a good recovery on the whole but, as the Government notes, the distribution of its benefits did not make it possible to eliminate or, in most cases, even to remedy existing deep-rooted structural inequalities which are reflected mainly in the level and distribution of income, as well as in differentiated access to public services.

23. From the political and geographical point of view, 48 per cent of the country's correqimientos 1/ have a per capita income that is lower than the cost of the basic food basket in Panama City (195.16 balboas 2/ per month) and, in 84 per cent of the correqimientos, income is lower than the "expanded food basket".

24. The unemployment rate is still high. In 1989, it stood at 16.3 per cent for the entire territory, falling to 12.9 per cent in 1993. A large part of the population is underemployed. The result has been a drop in the earnings of the poorest groups and a deterioration in the real wages of workers in private enterprise.

## Housing situation

25. The housing shortage is unanimously recognized, both by the Government and by non-governmental organizations and international agencies. According to sources, it stands at between 200,000 and 250,000 dwellings. For example, an article in the newspaper La Prensa of 14 October 1994 reported the need for 240,000 dwellings, 60 per cent of them in Panama City and Colón. The Ministry of Housing, for its part, estimates that, in 1993, there was a shortage of 195,244 dwellings, 48 per cent of that amount in the province of Panama. 3/

26. The average number of occupants per dwelling is 4.4 for the entire territory, and 24 per cent of dwellings have only one room. Conditions of habitability are often quite dramatic: 18.5 per cent of dwellings have dirt floors, 16.3 per cent have no drinking-water, and these figures are higher in the poorest provinces in the country (Bocas del Toro, Chiriquí, San Blas and Veraguas). Health services are lacking in 44 per cent of cases and electricity is also in short supply. In many districts, access roads are nearly impracticable and workplaces and schools are far away from dwellings.

27. At the institutional level, three agencies are involved mainly in the housing and urban development sector: the Ministry of Housing, the National Mortgage Bank and the Savings Bank.

28. An Act of 25 January 1993 set up the Ministry of Housing, which defines and coordinates national housing policy, particularly in respect of housing projects for low-income population groups. The National Mortgage Bank

provides financing for the national projects implemented by the Ministry. It governs and provides funding through taxation for the national savings and loan system for housing. The Savings Bank plays a similar role.

29. The National Mortgage Bank estimates that low-income borrowers are behind in their payments by 36 million balboas. It receives external assistance from the United States Agency for International Development and the Inter-American Development Bank, but has to pay debt interest. In view of the high cost of construction, it considers that it does not receive enough assistance from the Government.

30. The private sector, which is represented mainly by the Cámara Panameña de la Construcción (Panamanian Construction Company) (CAPAC), is involved in housing and road construction, but mainly builds high-cost and medium-range individual and co-owned dwellings and dwellings in the lower-medium price range. It is quite clearly subject to the play of market forces. It depends on the financial policy of the commercial and mortgage bank and aims to meet only "genuine" demand, that is to say from persons who need a dwelling and can pay for it. It considers that it is the Government's responsibility to build housing for the poorest population groups.

31. It should be noted that, according to indications from a number of governmental and non-governmental sources, practically no rental dwellings have been built for several years. Rent collection is considered too difficult and, consequently, the maintenance of existing buildings has been abandoned and many are now in a dreadful state, even though they are still inhabited. The Renta 2 and Renta 5 buildings in Panama City, for example, which are about to collapse, had structural weaknesses as soon as they were built.

32. As a result of the low standard of living of much of the population, the often precarious land-ownership situation, the housing shortage and the flight from the land, there has been an increase in the number of land take-overs and the construction of shacks on occupied land belonging to the Government or to private individuals.

33. The problem is not a new one, but it has become more important in recent years. According to information from the Ministry of Housing, some 62,700 families or about 300,000 persons are now squatting in 314 illegal settlements in the country. Eighty-eight per cent of these cases, involving 52,729 families, are in the Panama City metropolitan area. The other most affected urban centres are David and the outskirts of Colón.

34. The Canal Zone is a special case because of the signing, in 1977, of the Treaty concerning the Permanent Neutrality and Operation of the Panama Canal (Torrijos-Carter Treaty), which provides for the restitution to Panamanian jurisdiction of land along the banks of the Canal and of Panama City and Colón. These are called areas revertidas (restored areas). At present, they account for about 900 square kilometres.

35. The expected positive impact of the incorporation of the use of restored land into the country's economy and of the improved urban development of Panama City and Colón has not yet really been felt. An act on restored areas was adopted on 14 January 1991 which establishes more flexible machinery for

the planning and identification of the use of such areas. A specific agency, the Inter-Ocean Regional Authority (ARI), was set up on 25 February 1993 to administer property restored to Panama under the Torrijos-Carter Treaty.

36. A total of 1,250 hectares in the Pacific sector and 450 hectares in the Atlantic sector are thus to be removed from the public domain by 31 December 1999. The Inter-American Development Bank has granted the Republic of Panama a loan of $8.5 million to give support to the Inter-Ocean Regional Authority for the preparation of studies for the improved use of resources which have been or are to be restored, for the preservation of the Canal basin and for the formulation of a metropolitan plan for the development of Panama City and Colón. The planning of zones which have been or are to be restored has the following three components:

The Canal, administered by the Canal Commission;

Property on the banks of the Canal, mainly military bases;

The water catchment system.

37. One of the tasks of the Inter-Ocean Regional Authority is to receive property and administer it and then share it out among the competent authorities. Dwellings are assigned by the Ministry of Housing.

## B. State policy in the area of housing

38. For the period 1990-1994, the Ministry of Housing had set itself the objective of building 100,000 "housing units" through a joint effort by the public and private sectors. It was trying to achieve 50 per cent of that goal, focusing primarily on the low-income sectors, by means of programmes for self-management and execution of housing construction. In February 1994, the Ministry considered that it could achieve 30,000 housing units, but this objective has not been fully attained.

39. The Ministry's policy has three objectives:

To deal with the existing nuevos asentamientos organizados (new organized settlements), in order to address the problem of land take-overs by needy families;

To develop the lotes servidos (plots with basic utilities) programmes;

To develop the housing improvement programme, by means of loans for materials.

40. In the course of the interview which he accorded the mission, the Minister of Housing showed a clear awareness of the problem. He considered that the housing problem had been serious since the beginning of the century, that the housing shortage had increased enormously in recent years and that the needs of the poorest sectors of the population had driven them to illegal action. He regarded two questions as having priority:

Land ownership: to put an end to the takeovers and the resulting legal insecurity, titles of ownership must be given, notably for a part of the area revertida (restored area);

Modification of the concept of housing. The Minister used the expression "decent housing" and considered that the law needed to be amended. Given that there are in existence dwellings of 24 square metres, and even smaller ones in some cases (the mission visited some with a surface area of about 13 square metres), a bill has been submitted to the Legislative Assembly forbidding the construction of dwellings of less than 36 or 42 square metres.

41. The mission was also clearly told by the Minister that no evictions were being or would be carried out, that no dwelling would be burnt down and that the few persons who had been evicted had been offered alternative solutions. The aim is to seek legality without jeopardizing the most vulnerable members of the population.

42. The Government wants to eliminate within five years the wooden, insanitary and dilapidated houses in the Canal Zone, in other words 1,000 or so casas condenadas (condemned or abandoned houses), where about 30,000 families are living. One of the proposed solutions is to institute the "nine for one" system, a financing scheme with 10 per cent guaranteed by the State and 90 per cent by the bank or private financing sector.

43. The agency responsible for government activities in the community development sector is the Directorate-General for Community Development (DIGEDECOM), established in 1969 and now placed under the responsibility of the Ministries of the Interior and Justice. When it was set up, its aim was to promote the development of small communities in Panama, especially in the marginal areas and in those where great poverty prevails, by organizing local groups and executing community programmes and projects. DIGEDECOM has an office in Panama City and offices or workshops in a few provincial capitals.

44. In parallel with this programme, a decree of 30 May 1990 set up the Social Welfare Programme, and the Social Emergency Fund (FES) was designated as the intermediary between the agencies executing the projects and the financial institutions in order to attain the objectives of the Social Welfare Programme. The objectives of FES include:

The creation of sources of employment and income for the poorest members of the population;

To increase the income of needy groups;

To improve the economic and social infrastructure;

To meet the basic needs of the population.

45. DIGEDECOM does not have a good image in the community because of its strong degree of politicization and inefficient management during the late 1980s, with the result that it does not enjoy determined support from the present Government. FES began its activities on 24 October 1990, with

financial support from UNDP, and has executed a number of projects that were considered necessary by the communities themselves. It is at present negotiating with the Inter-American Development Bank a loan of about $50 million intended for social development and job creation. This poses a difficult problem of coordination between the two agencies, which are pursuing the same objectives.

46. The main thrusts of the housing policy defined by the Ministry of Housing are summarized as follows in a document entitled "A brief view of housing policies" that was issued in April 1995:

> To encourage, implement, facilitate and promote the production of dwellings, mainly for low-income groups, with the help of the private sector;
>
> To lower the cost of basic construction materials by reducing planning norms and specifications for dwelling construction, in order to enable the private sector to produce and finance dwellings at a lower cost, so that they will be accessible to a greater number of the poorest people in the country;
>
> To provide, as Ministry housing units, decent dwellings with a minimum floor area of 42 square metres;
>
> To establish mechanisms for obtaining loans more easily, encouraging self-management, so as to improve the standard of living of the population;
>
> To facilitate the approval of land-use plans by creating a single application centre for housing projects of social value.

## C. Specific examples of housing problems

### San Miguelito

47. The settlement of what was originally a mere hamlet began in the early 1950s with a small group of 20 families, who were living in subhuman conditions; it then became a town district, whose inhabitants remained very disadvantaged. Through their bold and determined efforts, the inhabitants secured the designation of San Miguelito as a special district by a decree of 30 July 1970 by General Omar Torrijos. The first community assembly was elected in August 1970 and designated representatives in 15 zones. Gradually, and as a result of successive take-overs, San Miguelito has become a large city, whose population is now approaching 400,000.

48. Within San Miguelito, which covers a very large area, there are some relatively comfortable housing zones and others which remain very precarious. This is the case with the Santa Librada community, which the mission visited. This community has a population of some 3,000, including 500 children, and is suffering from three main problems: the lack of drinking-water, the lack of an access road to serve the dwellings, and the lack of a school. The Government is considering a project, to be financed by an FES loan. But the essential problem, here as in many other communities, is that of the legalization of the ownership of the land. Great uncertainty exists

concerning the price of the land. The Ministry of Housing informed the mission that titles of ownership would be issued this year. Loans are granted at an interest rate of 8 per cent, which is still very high in relation to the normal rate charged by banks (9 per cent).

## The city of Colón and its environs

49. The situation in this city has been critical for a very long time. In the city centre, "condemned houses" - old, dilapidated, totally insanitary wooden buildings- still exist. They are gradually being demolished and the inhabitants rehoused, often very far from the centre and hence far from sources of work.

50. In many cases, the inhabitants have used so-called "self-help construction" methods, with the support of non-governmental organizations or external assistance, at more competitive prices than for buildings erected with state funds. A majority of the inhabitants fear that they will be evicted without a practical alternative solution, which often creates fairly sharp tension. The community representatives all hope that ongoing consultation will be established with government representatives.

51. At the present time, there is no general urban development plan for this zone, where many houses will have to be demolished in the short or medium term.

52. The mission visited two communities situated not far from Colón in the "restored area": Sagrada Resurrección and Vista Alegre 2. These have somewhat different problems, but one similarity - the non-existence of titles of ownership.

53. The members of the Sagrada Resurrección community, intended for 537 families, of which 189 are already inhabiting the so far uncompleted site, do not yet have titles of ownership and do not know the exact price they will be charged. There is an agreement with the Savings Bank, which has, however, reportedly sold certain land to the Colón Internacional Company; since then, a conflict has existed and is creating tension. The community has invested much personal labour in making the district viable and hopes to reach an agreement with the Ministry.

54. The Vista Alegre 2 community is much smaller and is also suffering from the lack of legalization of the land, which was considered the property of the National Mortgage Bank but is in fact owned by a private individual. Thirty-six families are still not covered by the proposed transfer and, here again, legal proceedings are under way and an overall solution must be found.

## The Felipillo, Alto del Llano, Chorrillito and Nueva Esperanza communities

55. In the first community, which has not been completed, there are about 300 families who have no title of ownership. They are encountering several problems: non-existence of titles of ownership, difficulties with water and electricity, and the price of land.

56. Here again, the inhabitants have contributed to upgrading the community, but complain about the lack of a clinic and school, the distance from sources of work, and transport and security problems.

57. Certain dwellings are unacceptably small (13.5 square metres) and the inhabitants are living in conditions of overcrowding, which are causing serious difficulties, especially with regard to the health of the children.

### The specific problem of the "El Chorrillo" district following the United States invasion in December 1989

58. The bombardments and the acts of destruction and arson that occurred in the days following the invasion affected about 20,000 persons. The most stricken district was that of El Chorrillo, where several blocks of apartments were totally destroyed, as a result of which their inhabitants were forced to seek alternative accommodation, often at a great distance from their former dwelling. Other buildings suffered severe damage, which has not yet been repaired: leaking water pipes, malfunctioning lifts, the deteriorating condition of toilets and communal areas of buildings, etc.

59. Some rebuilding that was carried out in the same district in a hasty manner after the invasion has serious drawbacks: very dark, unventilated apartments that are without real windows and do not provide decent living conditions.

60. Other alternative accommodation was made available at a great distance from the city centre, as in the case of the Santa Eduviges community, which was built with the help of a loan from the United States Agency for International Development. Each dwelling cost $6,500. The inhabitants, who all come from El Chorrillo district, are complaining about being far from any source of employment and about the cost of transport. They feel isolated, in a dismal, unfinished neighbourhood where they are still faced with problems of sewage disposal, electricity and communications. Moreover, the roofs of the houses are made of material that is hazardous to health in so far as it could cause cancer.

61. It should be noted that it is very difficult to determine the amount of the contribution by the United States of America to the emergency housing programme following the December 1989 intervention.

62. According to a report by the Ministry of Housing dated 21 January 1992, the Government of Panama held negotiations with the United States Government concerning the financing of repair of the damage caused by the military action and two agreements (525-0300 and 525-0302) signed in 1990 provided for aid to be granted by the United States in the amount of $42,625,400, half of this to be used for the "El Chorrillo plan". The Government of Panama reportedly contributed an additional amount of $3,283,000 for the El Chorrillo plan and the United States Agency for International Development is said to have used $1.9 million of its funds for the upkeep of Albrook Camp and other camps.

63. According to official figures, 2,723 families (or approximately 13,500 persons) are entitled to benefit from the financial assistance provided for under the agreements.

64. This information is challenged by the non-governmental organizations and by many citizens of Panama. On 10 May 1993, 300 of them lodged a complaint with the Inter-American Commission on Human Rights, which allowed 285 cases, after the United States Supreme Court had rejected all the applications submitted to it. The investigation of these complaints is continuing and a number of witnesses have already been heard.

65. The present Government indicates that the files relating to the United States assistance are no longer in its possession. The question arises whether the total sum reported was in fact allocated and in what manner.

## The specific case of the indigenous territories

66. The Committee had received reports from non-governmental organizations concerning several expulsions in the territory occupied by the indigenous Ngõbe-Buglé people, as illustrated by the case of Puente Blanco in the province of Bocas del Toro and the case of Campo Alegre in the province of Chiriquí.

67. Plans had been made for the mission to visit that area in order to inspect the sites and interview the indigenous populations. However, since a dispute had broken out between the indigenous populations and a mining company that wished to carry out mining operations in the Ngõbe-Buglé 4/ territory, the Government felt that, for security reasons, the mission should not travel to the provinces of Bocas del Toro and Chiriquí. The members of the mission found that regrettable because the local communities were expecting them and several persons had travelled long distances to meet them. Finally, in the capital, they were able to meet the chiefs of the various communities, who informed them of their problems.

68. The provinces of Bocas del Toro, Chiriquí and Veraguas are undoubtedly the poorest in the country and the indigenous communities constitute the most disadvantaged populations, living in conditions of extreme poverty and legal insecurity with regard to the ownership of their lands. Their main demand, which they explained to the mission in simple and often very poetic language, is the demarcation of their territory (comarca), for which they have been fighting since the 1960s.

69. These people live from subsistence agriculture and are facing serious ecological difficulties, particularly problems of soil erosion. The incursion of mining companies into the region and their desire to exploit the subsoil without overly concerning themselves with the damage caused to the Ngõbe-Buglé communities are giving rise to conflicts that could become serious unless measures are taken quickly.

70. The general congress of the Ngõbe-Buglé people, which was attended by more than 5,000 indigenous inhabitants in March 1995, demanded, in particular, urgent consideration of the draft bill establishing the "Comarca Ngõbe-Buglé"; it also requested provision of the requisite medical resources and called for ratification of ILO Convention No. 169 (1989) concerning Indigenous and Tribal Peoples in Independent Countries. It condemned the proliferation of mining activities that are threatening its people's survival and requested the right to be consulted in that regard. It opposed any expulsion, threat or intimidation on the part of the landowners.

## II. OBSERVATIONS AND RECOMMENDATIONS ADOPTED BY THE COMMITTEE

71. Taking into account the fact that Panama is a country with a population of about 2.5 million, an average of 4 to 5 persons per family and a housing shortage fluctuating between 200,000 and 250,000 units, according to the estimates of senior government officials, it is evident that the housing problem affects almost one third of the population.

72. The inability of the previous Government (1989-1994) to address the problem in a serious and effective manner was aggravated by a policy of forcible expulsions and the construction of unsuitable dwellings.

73. The present Government has recently adopted measures and programmes that demonstrate its concern to satisfy the demand for housing. The officials in the social services sector who are responsible for the formulation and implementation of this policy have assessed the nature and magnitude of the problem, as well as its implications from the standpoint of human rights and the need to tackle it in agreement with the communities concerned.

74. In this regard, the solutions that were applied unilaterally by the Government in districts such as El Chorrillo and El Cerezo contrast with those resulting from consultation between the Government and the groups concerned, as happened in the case of the commune of Arraiján. The policy of administrative simplification, which began with the creation of "one-stop services centres", is a good illustration of this, for it accelerates approval of town planning and social housing projects.

75. Nevertheless, the Government's endeavours are hampered by the lack of a national physical planning scheme and a national housing plan. A complete inventory of resources and demands would enable it to formulate its objectives and programmes more effectively.

76. However, some very positive signs can be noted, such as the increasing awareness of the problem, the various measures that have been taken to solve it - for example, the bill submitted by a member of Parliament on 4 April 1995 recognizing the social benefits of the construction of low-income housing and prohibiting the construction of dwellings with an area of less than 36 square metres - and the firm intention to refrain from further forcible expulsions.

77. Unfortunately, there are still sources of concern, such as the magnitude of the problem, some further expulsions at the end of 1994, the importance accorded to the private sector at the expense of public institutions, and the insufficient regard that is sometimes shown for the aspirations and achievements of the various communities.

78. The Committee thanks the Government for the efforts made to facilitate dialogue with it by agreeing to the visit of a mission to Panama, by making available all the facilities necessary for the performance of the mission's task, by providing access to all necessary documents and to all the areas affected by housing problems, and by facilitating the mission's dialogue with Panamanian civilians. It also welcomes the presence of a delegation from Panama during the consideration of the report of Panama at the Committee's twelfth session.

79. In the light of the foregoing, the Committee recommends that the Government of Panama should:

(i) Accelerate the studies being undertaken with a view to the establishment of a national social housing plan that takes account of the needs of all communities, defines the objectives to be achieved, designates those to be responsible for the plan, sets a five-year timetable and determines and makes use of the resources available. The work that is currently being carried out by the Inter-Ocean Regional Authority is a sound starting-point in this regard;

(ii) Speed up the legislative process for the demarcation of the indigenous territory (comarca) of the Ngõbe-Buglé people in the provinces of Bocas del Toro, Chiriquí and Veraguas and suspend mining operations pending consultation with the populations concerned;

(iii) Put an end to the government practice of expulsion, both in the indigenous areas and throughout the country, in accordance with article 11 of the Covenant and the Committee's General Comment No. 4 (1991);

(iv) Consider ratifying ILO Convention No. 169 (1989), as requested by the indigenous communities;

(v) Support the bill which has already been submitted and which stipulates that low-income dwellings should not be less than 36 or 42 square metres in area;

(vi) Accord priority to housing rehabilitation and construction programmes for social groups which have been living for several years in obviously unacceptable conditions and are demanding decent housing. This applies to several buildings in El Chorrillo district which were destroyed during the United States invasion, and to houses that have been condemned in Colón and in the capital;

(vii) Take account of the demands of groups that have been resettled in dwellings whose construction does not meet the minimum safety and health standards;

(viii) Institutionalize its policy of consultation by establishing permanent bodies for consultation on policies, activities and programmes, with representation of the non-governmental organizations which promote and uphold the right to housing and the "Pobladores" organizations, which experience the problem directly;

(ix) Accelerate and extend the policy of regularizing property ownership, by making available more financial and human resources for programmes in this area and by considering administrative measures to facilitate them;

(x) Accord priority to State investment in the construction of low-income housing and in assistance to the production of housing by the public sector, not leaving the initiative entirely to the private sector;

(xi) Establish an entity for gathering and analysing reliable statistical data on the national housing situation (number of homeless, number of dwellings which are deficient or lack basic services, number of low-income dwellings built, etc.), to enable the Committee to follow developments with regard to respect of the right to housing in Panama.

80. The Committee would like the Government of Panama to keep it informed of the action taken on its recommendations concerning the right to housing, within the context of the third periodic report due on 30 June 1995.

81. In conclusion, the Committee recommends that the United Nations High Commissioner for Human Rights request the Centre for Human Rights to provide advisory services, as requested by the Government of Panama, in coordination with the United Nations agencies and regional institutions already established in Panama, such as UNDP, the United Nations Centre for Human Settlements (Habitat) and the Inter-American Development Bank, as well as with the international financial institutions - IMF and the World Bank.

82. The Committee also requests that the United Nations High Commissioner for Human Rights convey the content of the present report to the Government of Panama during his scheduled trip to Panama in June 1995.

## Notes

1/ Corregimiento: an administrative division corresponding to one or more districts.

2/ One balboa = $1.

3/ MIPPE, Social Report, 1994.

4/ The Ngõbe-Buglé people, comprising about 120,000 persons, is numerically the largest indigenous community in the country.

# ANNEXES TO THE REPORT ON THE TECHNICAL ASSISTANCE MISSION TO PANAMA

## Annex I

## PROGRAMME OF WORK

### SUNDAY 16 APRIL

Meeting with officials of the Ministry of Housing and the Ministry of Foreign Affairs

Meeting with representatives of non-governmental organizations

### MONDAY 17 APRIL

8.30 a.m. Reception by the Minister of Housing, Mr. Francisco Sánchez Cardenas

9.30 a.m. Meeting with San Miguelito authorities and visit to the Santa Librada, Cerro Batea and Roberto Duran public housing projects

2.30 p.m. Meeting with representatives of United Nations organs and specialized agencies in Panama and Central America (UNDP, United Nations Centre for Human Settlements (HABITAT), ILO, UNFPA)

6.30 p.m. Meeting with representatives of CONADEHUPA (National Commission for Human Rights) and the Centre for Social Training

### TUESDAY 18 APRIL - Colón

8.45 a.m. Meeting with representatives of the regional office of the Ministry of Housing

10 a.m. Meeting with Monsignor Ariz, Bishop of Colón

11 a.m. Meeting with officials: Governor of the Province of Colón, Mayor of the District of Colón and members of the Technical Board

1.30 p.m. Meeting with leaders of the Sagrada Resurrección district

2.45 p.m. Meeting with representatives of the Vista Alegre 2 district

3.30 p.m. Visit to the districts in the restored area

WEDNESDAY 19 APRIL

8 a.m. Visit to affected sectors of Panama City: Felipillo, Santa Eduviges, Renta 5, Edificio Galvez, Chorrillo, Santa Ana. Interviews with representatives of persons affected

4 p.m. Meeting with the President of the Social Cabinet, the Minister of Health, Dr. Aída Libia Moreno, and other members of the Social Cabinet

THURSDAY 20 APRIL

8 a.m. Meeting with senior officials of the Chamber of Construction of Panama (CAPAC)

9 a.m. Meeting with officials of the National Mortgage Bank:
Mr. Winston R. Welch, General Manager

10 a.m. Meeting with the members of the Housing Commission and the Human Rights Commission of the Legislative Assembly:

Mr. Abelardo E. Antonio, President
Mr. José del C. Serracín, Vice-President
Mr. Alberto Magno Castillero, Secretary
Mr. Victor López
Mr. Donato Rosales
Mr. Leopoldo Benedetti
Mr. Marco As. Ameglio
Mr. Rogelio Sánchez Tack, adviser
Mr. Lucasa Zarak, President
Mr. Miguel Sánchez

11 a.m. Visit to Arraiján, La Chorrera and Los Cerezos
Meeting with representatives of the Frederick Ebert Foundation accompanied by the Deputy Minister, Mr. Rogelio Paredes Robles, and experts from the Ministry of Housing

4 p.m. Meeting with members of the Commission on Indigenous Affairs of the Legislative Assembly: Mr. Montesuma, President, Mr. Rogelio Alba and other members

7 p.m. Meeting with the country's indigenous authorities and representatives of the National Coordinating Committee of Indigenous Peoples (CONAPIP)

FRIDAY 21 APRIL

9 a.m. Meeting with the Inter-Ocean Regional Authority (ARI)

9.30 a.m. Meeting with Mr. Omar Jaem Suárez, Deputy Minister of Foreign Affairs, and Mr. Oscar Ceville, Director-General for International Organizations, Ministry of Foreign Affairs

11.15 a.m. Meeting with officials of the Ministry of Housing
Meeting with Mr. A. Antonio Ducreux, Deputy Minister of Labour and Social Welfare

1 p.m. Meeting with Mr. José Antonio Sossa, Attorney General

2 p.m. Meeting with non-governmental organizations coordinated by CONADEHUPA (National Commission for Human Rights), the Centre for Social Training, and Ms. Irene Perurena, external human rights adviser to the President

3.30 p.m. Meeting with representatives of the UNDP office in Panama

4.30 p.m. Meeting with the rectors of Panama's universities:

Mr. Gustavo García de Paredes, University of Panama
Mr. Jorge Luisquiros Ponce, Florida State University
Mr. Stanley Muschett, Santa María La Antigua University
Mr. Joaquín Villar-García, Columbus University
Mr. Héctor Montemayor, Technological University
Mr. Pablo Mitchelsen, University of the Isthmus
Mr. Laurentino Gudiño, Inter-American University of Extramural Education
Mr. Hermann Castro, Latin American University of Science and Technology
Mr. Plutarco Arrocha, Higher Institute of Business Management
Ms. Zonia de Smith, Latin University of Panama
Mr. Nelson Riquelme, Open and Extramural University of Panama
Mr. Martin C. Taylor, Studies Centre of Panama Nova Southeastern University
Ms. Lucrecia Herrera C., University of Peace
Mr. William Salom, Inter-American University of Panama
Mr. Jorge Laurencena
Ms. Glorieta H. de Rengifo, Vice-Chancellor, University of Panama
Mr. Reinaldo Barris Marín, University of Peace

6.30 p.m. Evaluation meeting with non-governmental organizations: Centre for Social Training and CONADEHUPA (National Commission for Human Rights) and Ms. Irene Perurena, presidential liaison officer for non-governmental organizations

## Annex II

## SHARE OF THE CONSTRUCTION SECTOR IN GDP
## 1970-1993

(millions of 1970 balboas)

| Year | Value added construction | Real GDP | Construction/GDP (%) |
|---|---|---|---|
| 1970 | 68.2 | 1 016.3 | 6.71 |
| 1971 | 85.0 | 1 113.9 | 7.63 |
| 1972 | 87.0 | 1 165.3 | 7.47 |
| 1973 | 99.6 | 1 228.3 | 8.11 |
| 1974 | 87.9 | 1 258.1 | 6.99 |
| 1975 | 96.9 | 1 278.2 | 7.58 |
| 1976 | 99.6 | 1 299.1 | 7.67 |
| 1977 | 73.8 | 1 313.6 | 5.62 |
| 1978 | 102.5 | 1 442.4 | 7.11 |
| 1979 | 102.4 | 1 507.1 | 6.79 |
| 1980 | 124.3 | 1 736.4 | 7.16 |
| 1981 | 128.3 | 1 806.7 | 7.10 |
| 1982 | 154.7 | 1 907.0 | 8.11 |
| 1983 | 106.4 | 1 918.5 | 5.55 |
| 1984 | 87.9 | 1 910.2 | 4.60 |
| 1985 | 87.9 | 2 000.4 | 4.39 |
| 1986 | 94.5 | 2 067.0 | 4.57 |
| 1987 | 91.9 | 2 117.0 | 4.34 |
| 1988 | 36.1 | 1 786.7 | 2.02 |
| 1989 | 23.9 | 1 779.2 | 1.34 |
| 1990 | 33.2 | 1 863.1 | 1.78 |
| 1991 | 72.7 | 2 039.4 | 3.56 |
| 1992 | 113.0 | 2 212.9 | 5.11 |
| 1993 | 148.6 | 2 332.3 | 6.37 |

Source: Office of the Controller-General of the Republic.

## Annex III

### BREAKDOWN OF INVESTMENT IN CONSTRUCTION
1970-1993
(millions of 1970 balboas)

| Year | Total investment in construction | Investment in housing | Investment in other buildings | Investment in other works |
|---|---|---|---|---|
| 1970 | 148.4 | 54.4 | 48.4 | 45.6 |
| 1971 | 187.8 | 70.9 | 64.2 | 52.7 |
| 1972 | 203.1 | 74.1 | 65.9 | 63.1 |
| 1973 | 229.0 | 99.4 | 58.1 | 71.5 |
| 1974 | 183.3 | 46.5 | 62.2 | 74.6 |
| 1975 | 209.4 | 44.5 | 70.0 | 94.9 |
| 1976 | 201.8 | 32.2 | 36.8 | 132.8 |
| 1977 | 140.1 | 44.8 | 40.9 | 54.4 |
| 1978 | 192.6 | 44.0 | 58.7 | 89.9 |
| 1979 | 185.4 | 42.6 | 82.7 | 60.1 |
| 1980 | 224.0 | 37.0 | 87.2 | 99.8 |
| 1981 | 248.6 | 42.8 | 82.3 | 123.5 |
| 1982 | 289.3 | 41.4 | 80.2 | 167.7 |
| 1983 | 203.1 | 39.6 | 73.4 | 90.1 |
| 1984 | 167.1 | 43.1 | 48.6 | 75.4 |
| 1985 | 159.6 | 60.8 | 57.0 | 41.8 |
| 1986 | 174.9 | 66.7 | 60.6 | 47.6 |
| 1987 | 170.9 | 67.3 | 69.9 | 33.7 |
| 1988 | 66.3 | 23.9 | 26.5 | 15.9 |
| 1989 | 45.0 | 12.1 | 17.7 | 15.2 |
| 1990 | 57.0 | 14.2 | 33.6 | 9.2 |
| 1991 | 129.2 | 30.6 | 61.5 | 37.1 |
| 1992 | 200.3 | 49.9 | 98.1 | 52.3 |
| 1993 | 258.4 | 90.7 | 111.5 | 56.2 |

Source: Office of the Controller-General of the Republic.

## Annex IV

## VOLUME OF INVESTMENT IN CONSTRUCTION

### DISTRICT OF PANAMA
(balboas)

| YEAR | 1985 | 1987 | 1990 | 1991 | 1992 | 1993 | 1994 | 1995 |
|---|---|---|---|---|---|---|---|---|
| January | 12 686 040 | 14 747 990 | 548 720 | 11 367 455 | 6 509 035 | 19 298 325 | 19 333 427 | 10 717 015 |
| February | 6 779 423 | 13 662 415 | 2 644 325 | 5 248 734 | 9 281 150 | 6 013 895 | 18 725 327 | 38 924 944 |
| March | 13 805 008 | 11 593 437 | 1 624 680 | 15 707 187 | 15 342 274 | 18 255 786 | 18 575 567 | 11 080 633 |
| 1st quarter | 33 270 471 | 40 003 842 | 4 817 725 | 32 323 376 | 31 132 459 | 43 568 006 | 56 634 321 | 60 722 592 |
| Growth for 1995 | 82.51% | 51.79% | 1 160.40% | 87.86% | 95.05% | 39.37% | 7.22% | |

Source: Economic Intelligence Service, CAPAC (Chamber of Construction of Panama. According to figures of the municipality of the district of Panama.

## Annex V

## CHAMBER OF CONSTRUCTION OF PANAMA

## ECONOMIC DEPARTMENT

## VOLUME OF CONSTRUCTION IN THE DISTRICT OF PANAMA
(balboas)

| 1985 | 1986 | 1987 | 1988 | 1989 | 1990 | 1991 | 1992 | 1993 | 1994 | 1995 |
|---|---|---|---|---|---|---|---|---|---|---|
| 12 686 040 | 8 218 460 | 14 747 990 | 3 727 089 | 1 015 570 | 548 720 | 11 367 455 | 6 509 035 | 19 298 325 | 19 333 427 | 10 717 015 |
| 6 779 423 | 10 296 665 | 13 662 415 | 7 793 335 | 955 915 | 2 644 325 | 5 248 734 | 9 281 150 | 6 013 895 | 18 725 327 | 38 924 944 |
| 13 805 008 | 14 326 080 | 11 593 437 | 579 395 | 1 015 190 | 1 624 680 | 15 707 187 | 15 342 274 | 18 255 786 | 18 575 567 | 11 080 633 |
| 6 382 807 | 5 569 955 | 19 038 740 | 267 781 | 1 360 820 | 1 982 355 | 12 198 151 | 14 135 205 | 24 680 610 | 42 641 283 | |
| 14 794 730 | 11 353 471 | 12 092 434 | 829 440 | 721 045 | 2 838 985 | 7 407 185 | 17 773 701 | 27 044 613 | 19 873 057 | |
| 26 100 600 | 52 154 275 | 25 726 097 | 530 015 | 646 510 | 4 188 105 | 7 176 200 | 7 242 210 | 34 089 930 | 39 618 122 | |
| 9 469 435 | 5 367 515 | 13 876 860 | 2 452 005 | 1 384 590 | 8 842 545 | 11 302 770 | 20 836 275 | 33 888 860 | 25 804 099 | |
| 5 173 100 | 8 412 885 | 9 031 105 | 2 341 060 | 825 020 | 3 033 110 | 15 409 220 | 13 380 737 | 17 501 185 | 22 954 404 | |
| 9 943 458 | 7 001 755 | 6 065 790 | 1 332 725 | 1 028 780 | 3 542 620 | 6 004 785 | 22 174 809 | 38 629 245 | 18 235 673 | |
| 8 960 660 | 12 942 588 | 9 974 505 | 752 310 | 640 105 | 6 078 630 | 14 619 175 | 24 969 008 | 17 130 945 | 23 313 935 | |
| 7 381 320 | 5 104 511 | 10 779 495 | 2 665 050 | 1 341 650 | 6 739 238 | 6 744 029 | 7 899 945 | 9 647 230 | 10 252 090 | |
| 5 929 340 | 8 714 011 | 9 615 875 | 9 329 405 | 1 444 190 | 3 006 440 | 7 422 935 | 10 976 050 | 38 273 385 | 22 247 972 | |
| 127 405 921 | 149 462 171 | 156 204 743 | 32 599 610 | 12 379 385 | 45 069 753 | 120 607 826 | 170 520 399 | 284 454 009 | 281 574 956 | 60 722 592 |

## Annex VI

## ACTIVITIES BY THE MINISTRY OF HOUSING

## PROGRAMME AND YEAR

| Year | Total | Construction of housing (single-family) | Urban renewal (apartments) | Housing improvement (material loans) | Sites serviced | Surveying and legalization (shanty towns) | Community housing (*barracas*) | Restoration of condemned houses | NAO* (State land with self-construction) |
|---|---|---|---|---|---|---|---|---|---|
| TOTAL | 86 534 | 23 879 | 7 890 | 20 230 | 8 408 | 13 991 | 1 352 | 8 632 | 2 152 |
| 1973 | 206 | 26 | 180 | 0 | 0 | 0 | 0 | 0 | 0 |
| 1974 | 991 | 39 | 952 | 0 | 0 | 0 | 0 | 0 | 0 |
| 1975 | 1 119 | 527 | 592 | 0 | 0 | 0 | 0 | 0 | 0 |
| 1976 | 4 381 | 2 731 | 1 650 | 0 | 0 | 0 | 0 | 0 | 0 |
| 1977 | 5 890 | 5 890 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 1978 | 3 637 | 3 637 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 1979 | 2 381 | 2 381 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 1980 | 870 | 424 | 96 | 0 | 350 | 0 | 0 | 0 | 0 |
| 1981 | 1 077 | 1 022 | 0 | 0 | 38 | 17 | 0 | 0 | 0 |
| 1982 | 3 292 | 1 717 | 972 | 0 | 603 | 0 | 0 | 0 | 0 |
| 1983 | 4 371 | 1 553 | 622 | 915 | 273 | 287 | 721 | 0 | 0 |
| 1984 | 8 817 | 698 | 316 | 2 055 | 3 702 | 1 292 | 186 | 568 | 0 |
| 1985 | 9 849 | 834 | 384 | 2 568 | 170 | 2 355 | 40 | 3 498 | 0 |
| 1986 | 4 502 | 57 | 288 | 2 008 | 92 | 1 867 | 190 | 0 | 0 |
| 1987 | 6 788 | 1 185 | 360 | 1 286 | 2 700 | 884 | 116 | 257 | 0 |
| 1988 | 7 684 | 0 | 0 | 509 | 10 | 3 106 | 59 | 4 000 | 0 |
| 1989 | 1 464 | 9 | 0 | 0 | 420 | 840 | 40 | 155 | 0 |
| 1990 | 2 996 | 43 | 0 | 0 | 50 | 597 | 0 | 154 | 2 152 |
| 1991 | 732 | 124 | 198 | 410 | 0 | 0 | 0 | 0 | 0 |
| 1992 | 7 237 | 438 | 742 | 4 891 | 0 | 1 166 | 0 | 0 | 0 |
| 1993 | 8 250 | 544 | 538 | 5 588 | 0 | 1 580 | 0 | 0 | 0 |

Source: Ministry of Housing, Directorate-General of Planning and Budget.

* New organized settlements.

# Annex VII

## DIRECTORATE-GENERAL OF PLANNING AND BUDGET
## PLANNING DEPARTMENT

### HOUSING SHORTAGE BY PROVINCE ACCORDING TO MONTHLY HOUSEHOLD INCOME, 1990

| Monthly household income (balboas) | TOTAL | Percentage | Bocas del Toro | Coclé | Colón | Chiriquí | Darién | Herrera | Los Santos | Panama | Veraguas |
|---|---|---|---|---|---|---|---|---|---|---|---|
| TOTAL | 237 724 | | 7 559 | 16 949 | 18 209 | 36 492 | 4 730 | 10 224 | 10 436 | 113 774 | 19 351 |
| Percentage | | 100.00 | 3.18 | 7.13 | 7.66 | 15.35 | 1.99 | 4.30 | 4.39 | 47.86 | 8.14 |
| Less than 100 | 67 969 | 28.59 | 2 570 | 7 707 | 4 869 | 12 155 | 2 952 | 4 261 | 4 293 | 18 124 | 11 038 |
| 100-124 | 11 272 | 4.74 | 293 | 1 051 | 783 | 2 452 | 246 | 671 | 732 | 4 073 | 971 |
| 125-174 | 16 868 | 7.10 | 467 | 1 432 | 1 358 | 3 332 | 261 | 855 | 950 | 6 895 | 1 318 |
| 175-249 | 23 328 | 9.81 | 704 | 1 581 | 1 848 | 4 109 | 280 | 1 025 | 1 062 | 11 275 | 1 444 |
| 250-399 | 34 943 | 14.70 | 1 284 | 1 937 | 2 772 | 5 532 | 416 | 1 233 | 1 262 | 18 864 | 1 643 |
| 400-599 | 28 733 | 12.09 | 974 | 1 395 | 2 316 | 3 832 | 249 | 945 | 919 | 16 861 | 1 242 |
| 600-799 | 16 974 | 7.14 | 579 | 731 | 1 435 | 1 916 | 132 | 449 | 452 | 10 649 | 631 |
| 800-999 | 10 806 | 4.54 | 270 | 420 | 890 | 1 095 | 79 | 286 | 264 | 7 100 | 402 |
| 1 000 and more | 26 831 | 11.29 | 418 | 695 | 1 938 | 2 069 | 115 | 499 | 502 | 19 933 | 662 |

## Annex VI

# FOURTH WORLD CONFERENCE ON WOMEN: ACTION FOR EQUALITY, DEVELOPMENT AND PEACE

## Statement of the Committee on Economic, Social and Cultural Rights*

1. The Committee on Economic, Social and Cultural Rights held its first session in 1987. It was preceded by the Sessional Working Group of Governmental Experts of the Economic and Social Council which had functioned since 1979, six years before the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace was held at Nairobi in 1985. The Committee is mandated to monitor compliance by States parties with their obligations under the International Covenant on Economic, Social and Cultural Rights. The Committee is composed of 18 independent experts who are each elected for a term of four years by the Economic and Social Council.

2. The monitoring mechanism provided for under the International Covenant on Economic, Social and Cultural Rights consists of the consideration of States parties' reports on the implementation of the Covenant. These reports are prepared and submitted to the Committee every five years on all the articles of the Covenant.

3. The International Covenant on Economic, Social and Cultural Rights is the only legally binding international treaty of the United Nations that deals exclusively with economic, social and cultural rights. The Covenant articulates a wide-ranging set of human rights: the right to work; the right to fair wages and to just working conditions; the right to strike and to freedom of association; the right to social security; protection of the family; the right to an adequate standard of living and to freedom from hunger; the right to physical and mental health; the right to education; and the right to take part in cultural life and to enjoy the benefits of scientific progress and creative activity.

4. The guiding principles governing the application of the Covenant are expressed in article 2, which provides that States parties are obligated to achieve progressively the full realization of the rights set forth in the Covenant by all appropriate means without discrimination of any kind, and in article 3, which guarantees the equal right of men and women to the enjoyment of all the economic, social and cultural rights enshrined in the Covenant.

5. The Committee has long recognized the reality that violations of economic, social and cultural rights result in some of the most persistent forms of inequality and of discrimination, particularly against women, the elderly, the disabled and other vulnerable and disadvantaged groups. Almost 50 years after the adoption of the Universal Declaration of Human Rights, women today continue to bear the burden of particular obstacles to the enjoyment of their economic, social, cultural, civil and political rights.

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* Adopted at the twelfth session (26th meeting), on 17 May 1995.

6. At its fifth session, in 1990, the Committee adopted new guidelines regarding the form and content of reports to be submitted by States parties under articles 16 and 17 of the Covenant (E/C.12/1991/1), with a view to ensuring that principal concerns would be elaborated methodically. The guidelines provide a uniform framework for reports, thus enabling the Committee to conduct a constructive dialogue with States parties in a consistent manner. They focus on issues which the Committee regards as indicative of the extent to which economic, social and cultural rights are enjoyed by all constituents of States parties to the Covenant.

7. The text of the guidelines reflects the Committee's abiding concern in its repeated reference to the specific situation of women in relation to the rights protected by the Covenant. In their reports, States parties are asked to identify the persons or group of persons who are particularly vulnerable or disadvantaged with regard to the practical application of the Covenant, and to provide statistical indicators on the subject.

8. The Committee's experience in its consideration of 103 reports thus far shows that women in particular continue to suffer the effects of poverty, of discrimination in education, in employment and in the family, of inequalities in health care, of sexual harassment, abuse and exploitation, and of lack of access to economic opportunities, social security and adequate housing. The Committee has cited the particular difficulties of single mothers and elderly women. It is regrettable that, in many instances, customs and traditions assign a role to women that is detrimental to the enjoyment of their human rights.

9. It is precisely for this reason that the Committee has considered the economic, social and cultural rights of women to be a critical area of concern, and has continued its efforts to induce States parties to protect and promote these rights, for which they are accountable under the provisions of the Covenant. In its concluding observations adopted after consideration of government reports, the Committee has recommended specific measures to be taken by States parties to address principal concerns. For example, the Committee has recommended to certain States parties that, among other things, "the ... authorities should continue their efforts to ensure de facto equality between men and women, especially in the areas of access to employment, remuneration for equal work, working conditions, the right to social security and participation in higher education" (E/1995/22-E/C.12/1994/20, para. 258); "the Government should take immediate steps to introduce a comprehensive anti-discrimination legislation especially in relation to all forms of discrimination against women" (ibid., para. 298); "efforts should include both legislative measures and educational activities aimed at overcoming the negative influence of certain traditions and customs" (ibid., para. 118); "the State party should adopt the necessary measures to accord greater priority to the education of women, including the eradication of female illiteracy"; (ibid., para. 141); and "the obligation to ensure equal opportunity for women warrants particular attention, especially in relation to the right to work, family-related rights and the right to education" (E/1994/23-E/C.12/1993/19, para. 129).

10. The Mission Statement of the Fourth World Conference on Women: Action for Equality, Development and Peace, to be held in Beijing, reaffirms the fundamental principle set forth in the Vienna Declaration and Programme of

Action, adopted by the World Conference on Human Rights, that the human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights.

11. The International Covenant on Economic, Social and Cultural Rights contains rights which are applicable to all persons, including women of all ages, from the girl child to the elderly woman. It thus constitutes an indispensable element in any comprehensive framework for the promotion and protection of the rights of women.

12. The Committee on Economic, Social and Cultural Rights therefore enjoins the Fourth World Conference on Women to urge all States to ratify the International Covenant on Economic, Social and Cultural Rights and to set a goal of universal ratification by the year 2000.

13. In view of the central importance of the reporting mechanism provided for under the Covenant, the Committee invites States parties to the Covenant to devote particular attention to the situation of women in their reports. This will contribute significantly to a constructive and meaningful dialogue with the Committee regarding the condition of women.

14. In addition to reports submitted by States parties, the Committee welcomes submissions of information from a wide range of sources. These include United Nations specialized agencies, intergovernmental organizations and non-governmental organizations, all of which are invited to participate during the Committee's annual sessions. These entities are therefore encouraged to provide the Committee with information on the situation of economic, social and cultural rights from a more gender-specific perspective.

15. In response to the recommendation of the 1993 World Conference on Human Rights and at the request of the Commission on Human Rights, the Committee on Economic, Social and Cultural Rights is at present drafting an optional protocol to the International Covenant on Economic, Social and Cultural Rights. This protocol would enable individuals to submit complaints of violation of their economic, social and cultural rights. It would provide an effective means towards achieving the fulfilment of the rights of women. For this reason, the Committee calls upon the Fourth World Conference on Women to support this undertaking.

## Annex VII

### Letter addressed by the Chairperson of the Committee on Economic, Social and Cultural Rights to Mr. Wally N'Dow, Assistant Secretary-General, United Nations Centre for Human Settlements (Habitat)

Dear Mr. N'Dow,

1. I am writing to you in my capacity as Chairperson of the Committee on Economic, Social and Cultural Rights in relation to resolution 15/2, entitled "Report on housing rights strategy", adopted by the Commission on Human Settlements on 1 May 1995. The resolution requests the Executive Director of the United Nations Centre for Human Settlements (Habitat) to undertake, in consultation with other relevant United Nations bodies, a review and update of the report entitled "Towards a housing rights strategy" (HS/C/15/2/Add.2) with a view to taking into account, inter alia, concerns expressed by some Member States "regarding the existence and/or legal status of the right to adequate housing".

2. On the basis of detailed reports that I have received, I understand that at least one delegation argued, in very strong terms, in favour of the proposition that there is no such human right as a right to adequate housing, that this right is not recognized in international human rights law and that the right has never been recognized in international treaties. The delegation indicated that it attached great importance to this issue, that it would call for a vote on any paragraph referring to the right to housing and that it would vote against the inclusion of any such reference.

3. I do not wish to become engaged in the policy debate which is clearly a matter for those States participating in the work of the Commission. However, as Chairperson of the Committee which is charged with monitoring compliance with the International Covenant on Economic, Social and Cultural Rights, it is incumbent on me to seek to clarify the legal doubts that have been expressed in relation to the right to housing.

4. The right to housing was first recognized in the Universal Declaration of Human Rights, which has always been regarded as the foundation stone on which the international human rights system is based. Article 25, paragraph 1, of the Universal Declaration states:

> "Everyone has the right to a standard of living adequate for the health and well-being of himself [sic] and of his family, including ... housing ..."

5. This formulation actually derives to a very significant extent from a draft placed before the United Nations in 1946 by a singularly authoritative and distinguished body of United States legal scholars and practitioners, the American Law Institute (ALI). ALI's "Statement of Essential Rights" made express provision for "the right to adequate food and housing". The statement was, in turn, inspired by US President Roosevelt's State of the Union Address in 1944, when he defended "the right of every family to a decent home".

6. The right was subsequently reflected in article 11, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights, which provides:

> "1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing ..."

7. During debates and discussions in Nairobi, especially in the context of the meetings of the Preparatory Committee for the United Nations Conference on Human Settlements (Habitat II), several different arguments were apparently advanced to support the proposition that no right to adequate housing has ever been recognized in international law, despite the clear wording of these provisions.

8. The first argument was to the effect that these provisions recognize only "a right to an adequate standard of living", but not a right to housing. This argument is simply not tenable. In the first place, the Commission on Human Rights, as well as the General Assembly and a host of other bodies, have regularly referred to the right to housing in documents, legal instruments and other texts between 1948 and today. The suggestion that there is no right to housing has never before been asserted. Indeed, not a single report submitted by any of the 131 States parties to the International Covenant on Economic, Social and Cultural Rights has ever challenged, let alone denied, that there is a separate and distinct right to adequate housing recognized in the Covenant. It is very strange for this matter to have been raised for the first time after well over 40 years of debate in which no such challenge has ever been made.

9. Secondly, if there is no right to housing based on these instruments then there is, equally, neither a right to adequate food nor a right to clothing. It is difficult to accept that this could possibly be the case given that the resulting situation would directly contradict innumerable resolutions adopted by every United Nations body from the General Assembly and the Economic and Social Council to the Commission on Human Rights and many others.

10. Thirdly, as a matter of logic, the right to an adequate standard of living, the existence of which the argument seems to acknowledge, is clearly composed of several elements. One of these is housing. If there is a right to the overall package, there is clearly a right also to the component parts, and thus also a right to housing.

11. Fourthly, this argument would also apply in relation to many of the central provisions of the International Covenant on Civil and Political Rights. Suffice it to note that there is no reference in that instrument to a "right to be free from torture", but merely a statement that "No one shall be subjected to torture ...". It is thus apparent that the argument put forward in Nairobi in relation to the right to housing is without any logical or legal foundation.

12. The second argument used by those disputing the existence of a right to housing was that it is not part of customary law. While this proposition is debatable, its acceptance means neither more nor less than that housing is on a par with a wide range of other human rights which many international law

experts would not yet characterize as being part of customary law. They include: the right to freedom of association, the right to democracy (as it is commonly termed), freedom of religion, privacy, due process rights and various workers' rights, including the prohibition of exploitative child labour, etc. The list of non-customary rights is a very long one, if we accept for example the approach reflected in the American Law Institute's Third Restatement of the Foreign Relations Law of the United States (para. 702). But this argument has never been raised by the State(s) which challenge the right to housing when they themselves have sought to insist on the need for other States to respect these human rights, even though they might not be bound by relevant treaty obligations or by traditional interpretations of customary law. There is therefore no basis in law, policy or practice for the suggestion that the absence of a right from the list of customary norms is sufficient reason for any reference to that norm to be excluded from United Nations documents.

13. A third argument used was to the effect that the domestic law of certain States has never recognized a right to housing. This may well be the case, but there are two important qualifications to be noted. The first is that the International Convention on the Elimination of All Forms of Racial Discrimination, to which the great majority of States are parties, refers explicitly to "the right to housing". While this applies only to an obligation not to discriminate in relation to that right, it constitutes an unequivocal recognition of the right per se. Secondly, the fact that municipal law in one or more States does not recognize a given right as a human right for the purposes of domestic law is no reason to oppose any reference to it in an international document.

14. The final argument apparently put forward was that a right to housing would be incompatible with the "enablement" approach reflected in the United Nations Global Strategy for Shelter to the Year 2000. This argument could only be plausible if the right to housing were radically misinterpreted so as to equate it with an obligation upon a Government actually to provide every individual with housing. Such a proposition could only be advanced from the vantage point of great ignorance of the international human rights framework and of the views consistently expressed by the Committee on Economic, Social and Cultural Rights.

15. In assessing the arguments put forward against the existence of a right to adequate housing it is necessary also to bear in mind the implications of such a position for the overall development of international law in the human rights field. Many States have responded in an appropriately firm and uncompromising manner to suggestions by a few observers that some of the rights contained in the Universal Declaration of Human Rights and in the International Bill of Human Rights are not "really" human rights. These assaults on the principle of universality have correctly been rebuffed, and the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights was clear and unequivocal in its affirmation of the principles involved. It is extraordinary, however, that those who challenge the existence of a right to housing seem to be engaging in precisely such an assault, albeit in relation to a different human right. Denying the existence of one of the long-recognized human rights is a strategy fraught with danger and one which cannot help but undermine the international legal regime. It is one thing for a given State to insist that it does not recognize for itself an

obligation to promote the right to housing (except perhaps for the non-discrimination element dealt with in the International Convention on the Elimination of All Forms of Racial Discrimination). That insistence is legitimate, even if some would question its appropriateness. It is, however, an entirely different matter to deny the existence of one of the internationally recognized human rights and to oppose all reference to it, even in a non-binding recommendation by an international conference.

16. For these reasons, I believe that the Commission on Human Settlements should unequivocally reject any suggestion that the right to adequate housing is not a human right. I would also add that the Committee on Economic, Social and Cultural Rights has recently noted (E/1995/L.21, para. 10) that it is essential to ensure "that the general policy framework for the [Habitat II] Conference takes full account of the importance" of the right to adequate housing. While it has occasionally been suggested that such matters should be dealt with only by the Commission on Human Rights and not by bodies such as the Commission on Human Settlements, this is directly contrary to widely accepted views that human rights cannot be quarantined and confined to a very small segment of the overall debate. Neither the Commission on Human Rights nor the Committee on Economic, Social and Cultural Rights has any significant operational role or capacity, nor do they have any direct inputs into discussions on housing policy. It is therefore indispensable that this matter be addressed by the Commission on Human Settlements and by Habitat to the fullest appropriate extent.

17. I would be grateful if you could make this letter available to the next Preparatory Committee meeting and to any other pertinent meetings.

Yours sincerely,

Philip Alston,
Chairperson, Committee on Economic, Social and Cultural Rights

## Annex VIII

## UNITED NATIONS CONFERENCE ON HUMAN SETTLEMENTS (HABITAT II)

### Statement of the Committee on Economic, Social and Cultural Rights*

1. The right to housing was recognized for the first time in an international instrument in article 25, paragraph 1, of the Universal Declaration of Human Rights - regarded as the foundation of the international system for the protection of human rights - which states: "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including ... housing ...".

2. The right to housing was consequently embodied in article 11, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights, which states:

> "The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing ..."

3. Since the adoption of the Universal Declaration of Human Rights in 1948, the Commission on Human Rights, the General Assembly and other United Nations bodies have referred to the right to housing as a human right in documents and legal instruments. None of the 133 States parties to the International Covenant on Economic, Social and Cultural Rights has challenged the recognition by the Covenant of a separate and distinct right to housing. Many States formally recognize this right in their constitutions and domestic legislation.

4. It is clear that the right to an adequate standard of living, as defined in article 25 of the Universal Declaration of Human Rights and article 11 of the International Covenant on Economic, Social and Cultural Rights, is composed of several elements, including the right to adequate food, clothing and housing.

5. At its sixth session, in 1991, the Committee on Economic, Social and Cultural Rights adopted General Comment No. 4 (1991) on the right to adequate housing, on the basis of its consideration of 75 reports of States parties to the Covenant and a great deal of other information from the General Assembly, the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities and various governmental and non-governmental sources.

6. The Committee found that the problems of homelessness and inadequate housing arose in all parts of the world and affected not only developing countries, but also some of the economically most advanced societies, since, according to United Nations estimates, there were over 100 million persons homeless worldwide and over 1 billion persons inadequately housed.

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* Adopted at the thirteenth session (55th meeting), on 6 December 1995.

7. The Committee's General Comment No. 4 (1991) identified some of the principal issues which relate to this right:

> In the first place, the right to adequate housing applies to everyone, without restriction or distinction based on age, sex, family or economic status, group or other affiliation or social status;
>
> It should not be interpreted in a narrow or restrictive sense. It must not be equated with a right simply to informal shelter, but has to be interpreted as a right to live somewhere in security, peace and dignity according to the principles governing the Universal Declaration of Human Rights and the Covenant itself. As the Commission on Human Settlements has stated, adequate shelter means adequate privacy, adequate space, adequate security, adequate lighting and ventilation, adequate basic infrastructure and adequate location with regard to work and basic facilities - all at a reasonable cost.

8. According to this interpretation, and on the basis of the concept of adequacy, which alone makes it possible to determine whether a type of shelter may be regarded as "adequate housing" within the meaning of article 11, paragraph 1, of the Covenant, the Committee identified the criteria that must be taken into consideration in any particular context. They include the following:

> Legal security of tenure, which guarantees legal protection against eviction, harassment and any other threat;
>
> Availability of services, materials, facilities and infrastructure to guarantee health, security and comfort in dignified conditions;
>
> Affordability: The financial cost of housing should be at such a level that the satisfaction of other basic needs is not threatened or compromised;
>
> Habitability, i.e. the guarantee of protection from inclement weather and risks of disease, as well as of physical safety;
>
> Accessibility, particularly for disadvantaged and vulnerable groups, which should be ensured some degree of priority in connection with housing;
>
> Location, which must facilitate access to employment options and basic social services and be far from pollution sources that are harmful to health;
>
> Cultural adequacy.

9. The right to adequate housing must be viewed in the light of the other basic rights provided for in the International Bill of Human Rights and other international instruments, including the right to freedom of association, the right to privacy and the principle of non-discrimination.

10. It is on this basis that the States parties to the International Covenant on Economic, Social and Cultural Rights have submitted their reports to the

Committee, fully aware that ratification obliged them to take immediate measures to promote the right to housing and, where necessary, to seek international cooperation, in accordance with articles 11, 22 and 23 of the Covenant.

11. The Committee's recommendations in this respect have encouraged States parties, regardless of their economic situation, to establish a national housing strategy, formulated to the fullest extent possible after thorough consultations and with the participation of all concerned, notably the homeless, persons with inadequate housing and their representatives, and regularly to monitor the development of the housing situation. In both cases, this is an obligation with immediate effect, especially as regards the situation of vulnerable groups: persons or families who are homeless or living in inadequate housing or in "illegal" settlement areas, persons who have been forcibly evicted and low-income groups.

12. The measures that must be taken by States may combine measures originating from the public sector and from the private sector, but States must above all be encouraged to support self-sufficiency strategies, while fulfilling their own obligations to guarantee respect for the rights of each individual, as soon as possible and in the light of available resources. In many countries, experience has shown that organized vulnerable groups have been able, with minimum State assistance, to undertake construction better suited to their needs and less costly than construction directly undertaken by the public sector.

13. The question of the "enforceability" of the right to adequate housing is beyond doubt, and many elements constituting this right are already the subject of domestic remedies in most of the States parties to the Covenant: this is notably the case with judicial remedies against evictions or demolition; applications for compensation or rehousing following illegal eviction; complaints against illegal measures taken by owners, whether public or private, or with their support; judicial actions against discriminatory measures in the area of housing; complaints against owners concerning health hazards or the inadequacy of housing, or excessive rent; and judicial actions concerning land ownership.

14. This list is not exhaustive, and assertion of the right to housing in the courts, based on the implementation of domestic legislation or the Covenant, has assumed considerable importance in many countries. In the light of the substantial increase in the number of homeless persons, collective action is growing steadily, not only in the developing countries, where it often manifests itself through the occupation of undeveloped land, but also in the rich countries, where it takes the form of occupation of public or private premises which have been kept empty with the sole aim of speculating on the value of the buildings in question.

15. In this connection, the Committee considers that instances of forced eviction are, prima facie, incompatible with the requirements of the Covenant and can be justified only in the most exceptional situations and in accordance with the relevant principles of international law.

16. On the occasion of its examination of reports, the Committee has recommended to all States parties that they should avoid unjustified mass

evictions and, in any event, limit them to the strict needs of public order; in these cases alone, they should carry them out only in consultation with the persons concerned, making provision for appropriate rehousing measures, avoiding the use of force and, in all cases, compensating the victims in order to reduce the adverse consequences to a minimum.

17. In its resolution 1993/77, the Commission on Human Rights itself affirmed that the practice of forced eviction constituted a gross violation of human rights, in particular the right to adequate housing, and urged Governments to undertake immediate measures, at all levels, aimed at eliminating this practice.

18. At a time when the International Covenant on Economic, Social and Cultural Rights is being ratified by a growing number of States (133 to date) and when international provisions for the protection of human rights, in particular the right to adequate housing, are increasingly being incorporated in domestic legislation, the view that the right to adequate housing is a human right can no longer be seriously challenged.

19. This right concerns the dignity of human beings - men, women and children - and it is provided for in many international instruments for the protection of human rights, chief among them the International Covenant on Economic, Social and Cultural Rights.

20. The decision by the Commission on Human Settlements to take up, at the United Nations Conference on Human Settlements (Habitat II), the theme "Adequate Shelter for All" and the multisectoral questions relating thereto is in line with the rationale which inspired the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and, recently, the World Conference on Human Rights.

21. The reaffirmation by the United Nations Conference on Human Settlements (Habitat II) that the right to adequate housing is a fundamental human right is, for the Committee and for the international community as a whole, of considerable importance in terms of access to human dignity for the greatest number.

## Annex IX

### A. LIST OF STATES PARTIES' DELEGATIONS WHICH PARTICIPATED IN THE CONSIDERATION OF THEIR RESPECTIVE REPORTS BY THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS AT ITS TWELFTH SESSION

| | | |
|---|---|---|
| REPUBLIC OF KOREA | Representative: | H.E. Mr. Seung Ho<br>Ambassador<br>Permanent Representative of the Republic of Korea to the United Nations Office at Geneva |
| | Advisers: | Mr. Joon-Hee Lee<br>Counsellor<br>Permanent Mission of the Republic of Korea to the United Nations Office at Geneva |
| | | Mr. Bum Suk Suh<br>Director<br>Local Education Planning Division<br>Ministry of Education |
| | | Mr. Jai Gu Chang<br>Director<br>International Cooperation Division<br>Ministry of Labour |
| | | Ms. In-Ja Hwang<br>Director<br>International Cooperation Division<br>Ministry of Political Affairs |
| | | Mr. Young Sam Ma<br>Deputy Director<br>Human Rights and Social Affairs Division<br>Ministry of Foreign Affairs |
| | | Mr. Chang Ho Ahn<br>Public Prosecutor<br>Human Rights Division<br>Ministry of Justice |
| | | Mr. Kang Hyeon Yun<br>Second Secretary<br>Permanent Mission of the Republic of Korea to the United Nations Office at Geneva |

Mr. In-Taek Lim
Deputy Director
International Cooperation Division
Ministry of Health and Welfare

Mr. Yang-Hyun Kim
Deputy Director
International Cooperation Division
Ministry of Labour

Miss Ji-Hyun Kong
Consultant
United Nations Policy Division
Ministry of Foreign Affairs

Mr. Keywon Cheong
Director
Welfare Policy Division
Korean Institute for Health and
Social Affairs

PORTUGAL

Representative:

S.E. M. Gonçalo de Santa Clara Gomes
Ambassadeur
Représentant permanent du
Portugal auprès de l'Office des
Nations Unies à Genève

Advisers:

M. Fernando Ribeiro Lopes
Directeur général des
conditions de travail
Ministère de l' emploi et de la
sécurité sociale

M. Carlos Botelho
Président du Conseil exécutif
de l'IGAPHE
Ministère des travaux publics,
des transports et des
télécommunications

M. Francisco Menezes
Sous-Directeur du cabinet des
affaires européennes
Ministère des finances

M. Fernando Coelho
Conseiller
Mission permanente du Portugal
auprès de l'Office des Nations Unies
à Genève

Mme. Amélia Leitão
Chef de service
Direction générale de la santé
Ministère de la santé

Mme. Glaúcia Varzielas
Chef de Division
Direction générale des régimes de sécurité sociale
Ministère de l'emploi et de la sécurité sociale

Mme. Virgínia Bras Gomes
Chef de Division
Direction générale de l'action sociale
Ministère de l'emploi et de la sécurité sociale

M. João Madureira
Cabinet de documentation et de droit comparé du Procureur général de la République

M. Paulo Marrecas Ferreira
Cabinet de documentation et de droit comparé du Procureur général de la République

Mme. Maria do Céu Gonçalves Martins Faria
Expert du Département des relations internationales
Ministère de l'éducation

PHILIPPINES

Representative:

H.E. Ms. Lilia R. Bautista
Ambassador
Permanent Representative of the Philippines to the United Nations Office at Geneva

Advisers:

Mrs. Olivia V. Palala
Counsellor
Permanent Mission of the Philippines to the United Nations Office at Geneva

Mr. Robert Anthony Balao
General Manager
National Housing Authority

Mr. Hector D. Soliman
Assistant Secretary
Department of Agrarian Reform

| | | |
|---|---|---|
| | | Ms. Gloria Mallare<br>Assistant Secretary<br>Department of Social Welfare and Development |
| | | Ms. Florinda Lacanlalay<br>Director<br>Department of Labour and Employment |
| | | Mrs. Remedios Paulino<br>Health Education and Promotion Adviser<br>Department of Health |
| SWEDEN | Representative: | Mr. Rolf Lindholm<br>Minister of Foreign Affairs |
| | Adviser: | Mr. Marten Lagergren<br>Assistant Under-Secretary<br>Ministry of Health and Social Affairs |
| SURINAME | Representative: | Mr. W. Vreedzaam<br>Policy Adviser<br>Ministry of Foreign Affairs |
| | Adviser: | Mrs. S. Power-Staphorst<br>Head of United Nations Section<br>Department of International Organizations<br>Ministry of Foreign Affairs |
| PANAMA | Representative: | H.E. Mr. Leonardo Kam Binns<br>Ambassador<br>Permanent Representative of Panama to the United Nations Office at Geneva |
| | Adviser: | Mr. Víctor Amores González<br>Measure and Legalization Coordinator<br>General Division of Planning and Budget<br>Ministry of Housing |

## B. LIST OF STATES PARTIES' DELEGATIONS WHICH PARTICIPATED IN THE CONSIDERATION OF THEIR RESPECTIVE REPORTS BY THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS AT ITS THIRTEENTH SESSION

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| COLOMBIA | Representative: | H.E. Mr. Guillermo Alberto González<br>Ambassador<br>Permanent Representative of Colombia to the United Nations Office at Geneva |

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| | Advisers: | Mrs. Isabel Martínez<br>Presidential Adviser for Social Policy |
| | | Mrs. Margarita Peña<br>Chief<br>Social Affairs Unit<br>Department of National Planning |
| NORWAY | Representative: | Mr. Petter Wille<br>Counsellor<br>Permanent Mission of Norway to the United Nations Office at Geneva |
| | Advisers: | Mr. Oyvind Vidnes<br>Counsellor<br>Permanent Mission of Norway to the United Nations Office at Geneva |
| | | Mr. Jan Edoy<br>Adviser<br>Ministry of Local Government and Labour |
| | | Ms. Guro Camerer<br>Executive Officer<br>Royal Ministry of Foreign Affairs |
| MAURITIUS | Representatives: | Mr. Satyajit Boolell<br>Principal State Counsel |
| | | H.E. Mr. Joseph Michel Dedans<br>Ambassador<br>Permanent Representative of Mauritius to the United Nations Office at Geneva |
| | Advisers: | Mr. Patrice Eugène Cure<br>Minister-Counsellor and Deputy Permanent Representative of Mauritius to the United Nations Office at Geneva |
| | | Mr. Renganaden Munisamy<br>Attaché<br>Permanent Mission of Mauritius to the United Nations Office at Geneva |
| UKRAINE | Representatives: | Mr. Mykhaylo Kaskevich<br>Minister of Labour |

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| | | H.E. Mr. Olexandre Sliptchenko<br>Ambassador<br>Permanent Representative of Ukraine to the United Nations Office at Geneva |
| | Advisers: | Mr. Borys Nadtochiy<br>Chief of Department<br>Ministry of Labour |
| | | Mr. Oleg Shamshur<br>Counsellor<br>Permanent Mission of Ukraine to the the United Nations Office at Geneva |
| | | Ms. Vyctoriya Krzhevina<br>Chief of Subdivision<br>Ministry of the Economy |
| | | Mr. Yevhen Semashko<br>Second Secretary<br>Permanent Mission of Ukraine to the United Nations Office at Geneva |
| | | Mr. Vladislav Zozulia<br>Attaché<br>Ministry of Foreign Affairs |
| ALGERIA | Representative: | H.E. Mr. Hocine Meghlaoui<br>Ambassador<br>Permanent Representative of Algeria to the United Nations Office at Geneva |
| | Advisers: | Mr. Menad Hebbak<br>Plenipotentiary Minister in charge of follow-up of international conventions<br>Ministry of Foreign Affairs |
| | | Mr. Mohamed Hassaine<br>Counsellor<br>Permanent Mission of Algeria to the United Nations Office at Geneva |
| | | Mr. Abdelwahab Hamed<br>Official in charge of studies and synthesis in the Cabinet<br>Ministry of Justice |
| | | Mrs. Khalida Boubir<br>Assistant Director of Legal Studies<br>Ministry of National Education |

## Annex X

### A. LIST OF DOCUMENTS OF THE COMMITTEE AT ITS TWELFTH SESSION

| | |
|---|---|
| E/1986/3/Add.17 | Initial reports submitted by States parties to the Covenant concerning rights covered by articles 10 to 12: Philippines |
| E/1990/5/Add.19 | Initial reports submitted by States parties to the Covenant concerning rights covered by articles 1 to 15: Republic of Korea |
| E/1990/5/Add.20 | *Idem*: Suriname |
| E/1990/5/Add.23 | *Idem*: Paraguay |
| E/1990/5/Add.24 | *Idem*: Guatemala |
| E/1990/5/Add.25 | *Idem*: El Salvador |
| E/1990/6/Add.6 | Second periodic reports submitted by States parties to the Covenant concerning rights covered by articles 1 to 15: Portugal |
| E/1990/6/Add.7 | *Idem*: Dominican Republic |
| E/1990/6/Add.8 | *Idem*: Portugal (Macau) |
| E/1994/104/Add.1 | Third periodic reports submitted by States parties to the Covenant concerning rights covered by articles 1 to 15: Sweden |
| E/1994/104/Add.5 | *Idem*: Spain |
| E/1995/22 | Report of the Committee on Economic, Social and Cultural Rights on its tenth and eleventh sessions |
| E/1995/39 | Nineteenth report of the International Labour Organisation |
| E/C.12/1990/4/Rev.1 | Rules of procedure of the Committee |
| E/C.12/1990/5 | Revised schedule for the submission of reports by States parties under articles 16 and 17 of the Covenant, approved by the Committee at its fourth session |
| E/C.12/1991/1 | Revised General Guidelines regarding the form and contents of reports to be submitted by States parties under articles 16 and 17 of the Covenant |
| E/C.12/1993/3 | Status of the International Covenant on Economic, Social and Cultural Rights and Reservations, Withdrawals, Declarations and Objections under the Covenant |

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| E/C.12/1994/12 | Draft optional protocol: report submitted by Mr. Philip Alston |
| E/C.12/1995/1 | Provisional agenda and annotations: note by the Secretary-General |
| E/C.12/1995/2 | States parties to the International Covenant on Economic, Social and Cultural Rights and status of submission of reports: note by the Secretary-General |
| E/C.12/1995/L.1 | Draft programme of work: note by the Secretary-General |
| E/C.12/1995/L.1/Rev.1 | Programme of work: note by the Secretary-General |
| E/C.12/1994/WP.16/ Rev.1 | Draft general comment on the economic, social and cultural rights of older persons prepared by Mrs. María de los Angeles Jiménez Butragueño |
| E/C.12/1995/WP.1 | Working paper prepared by the World Health Organization Global Programme on AIDS |
| E/C.12/1995/WP.2 | Working paper prepared by the American Association of Jurists |
| E/C.12/1995/WP.3 | Working paper prepared by FIAN International |
| E/C.12/1995/SR.1-29 and E/C.12/1995/ SR.1-29/Corrigendum | Summary records of the twelfth session (1st to 29th meetings) of the Committee on Economic, Social and Cultural Rights |

## B. LIST OF DOCUMENTS OF THE COMMITTEE AT ITS THIRTEENTH SESSION

| | |
|---|---|
| E/1990/5/Add.21 | Initial reports submitted by States parties to the Covenant concerning rights covered by articles 1 to 15: Mauritius |
| E/1990/5/Add.22 | Idem: Algeria |
| E/1990/5/Add.26 | Idem: Libyan Arab Jamahiriya |
| E/1990/5/Add.27 | Idem: Guyana |
| E/1990/5/Add.28 | Idem: Zimbabwe |
| E/1990/5/Add.29 | Idem: Peru |
| E/1990/6/Add.9 | Second periodic reports submitted by States parties to the Covenant concerning rights covered by articles 1 to 15: Luxembourg |
| E/1994/104/Add.2 | Third periodic reports submitted by States parties to the Covenant concerning rights covered by articles 1 to 15: Colombia |

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| E/1994/104/Add.3 | *Idem*: Norway |
| E/1994/104/Add.4 | *Idem*: Ukraine |
| E/1994/104/Add.6 | *Idem*: Belarus |
| E/1994/104/Add.7 | *Idem*: Finland |
| E/1994/104/Add.8 | *Idem*: Russian Federation |
| E/1994/104/Add.9 | *Idem*: Iraq |
| E/1995/22 | Report of the Committee on Economic, Social and Cultural Rights on its tenth and eleventh sessions |
| E/1995/L.21 | Extract from the report of the Committee on Economic, Social and Cultural Rights on its twelfth session |
| E/C.12/1990/4/Rev.1 | Rules of procedure of the Committee |
| E/C.12/1990/5 | Revised schedule for the submission of reports by States parties under articles 16 and 17 of the Covenant, approved by the Committee at its fourth session |
| E/C.12/1991/1 | Revised General Guidelines regarding the form and contents of reports to be submitted by States parties under articles 16 and 17 of the Covenant |
| E/C.12/1993/3 | Status of the International Covenant on Economic, Social and Cultural Rights and Reservations, Withdrawals, Declarations and Objections under the Covenant |
| E/C.12/1994/12 | Draft optional protocol: report submitted by Mr. Philip Alston |
| E/C.12/1995/9 | Provisional agenda and annotations: note by the Secretary-General |
| E/C.12/1995/10 and Corr.1 | States parties to the International Covenant on Economic, Social and Cultural Rights and status of submission of reports: note by the Secretary-General |
| E/C.12/1995/11 | Letter addressed by the Chairperson of the Committee on Economic, Social and Cultural Rights to Mr. Wally N'Dow, Assistant Secretary-General, United Nations Centre for Human Settlements (Habitat) |
| E/C.12/1995/L.2 | Draft programme of work: note by the Secretary-General |
| E/C.12/1995/L.2/Rev.1 | Programme of work: note by the Secretary-General |
| E/C.12/1994/WP.16/ Rev.2 | Draft general comment on the economic, social and cultural rights of older persons prepared by Mrs. María de los Angeles Jiménez Butragueño |

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|---|---|
| E/C.12/1995/WP.4 | Working paper prepared by the American Association of Jurists and the Latin American Peace and Justice Service |
| E/C.12/1995/WP.5 | Working paper prepared by the "Roda Ventura" group of jurists |
| E/C.12/1995/SR.30-58/Add.1 and E/C.12/1995/SR.30-58/Add.1/Corrigendum | Summary records of the thirteenth session (30th to 58th meetings) of the Committee on Economic, Social and Cultural Rights |

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